The City Council of the City of Raleigh met at 1:00 p.m. on Tuesday, January 17, 1984, in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Mr. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend W. T. Perkins, Milner Memorial Presbyterian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

VOLUNTEER OF THE MONTH - LIONS PARK TEEN CLUB - PRESENTED

Mayor Upchurch explained the volunteer of the month program and called on Bernard Richardson, Director of the Lions Park Teen Club. Mayor Upchurch explained that this is a fifteen member group of young children who meet regularly and undertake various projects at Lions Park. He indicated the members have participated in the Crop Walk, SORT program, Canned Food Drive, Salvation Army Christmas Angel, etc. He indicated the work of the Teen Club is very enlighting and very worthwhile.

COMMENDATION - ELIZABETH HOLMES - CERTIFICATES PRESENTED

Mayor Upchurch introduced Mrs. Elizabeth Homes, a member of the City of Raleigh Parks and Recreation Department. He indicated Ron Tietgen, Ben Huyett, and Gene Tomlinson from the Parks Department, as well as Frank Evans, Parks and Recreation Director, were present. Mrs. Holmes' parents were also present. Mayor Upchurch read a Certificate of Commendation, pointing out on December 30, 1983 on her way to work Mrs. Holmes noticed the house in flames and explained her efforts in getting help for the people inside, getting them awake and getting them out. He explained her effort in waking the people saved the life of one man and the four teen-age boys in the house. He presented her with a Certificate of Commendation, as well as a Certificate of Appreciation from the Raleigh City Council. Ms. Holmes received a standing ovation.

OATH OF OFFICE - SERGEANT-AT-ARMS - RENDERED

Mayor Upchurch called on John H. Baker, Sr. indicating recently Mr. Baker was officially named as Sergeant-at-Arms for the Raleigh City Council. He indicated Mr. Baker has been doing this unofficially for a number of years and in the last part of 1983, Mr. Baker retired from the Raleigh Police Department and was officially named Sergeant-at-Arms of the Raleigh City Council. He rendered the oath of office to Mr. Baker.

CERTIFICATES OF APPOINTMENT - VARIOUS - PRESENTED

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Appearance Commission - Roney L. Swink; Greenway Commission - Dr. Thomas L. Quay; Planning Commission - Malcolm L. Williams; Telecommunications Commission - Joan R. Baron, John L. Cameron, Kenneth Durham, Karen D. Garr, Theodore M. Hyman, John Kinney, Jr., William C. Knight, Donnell H. Lewis, Ronald McCrimmon and Paul F. Vandergrift; Youth Council Advisory Board - Glenda Ebhart.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. If a Councillor requests discussion on an item, the item will be removed from the Consent Agenda and considered separately. The vote on the Consent Agenda will be a roll call vote. Mr. Keller requested that the traffic item relating to Glenwood Avenue/Oberlin Road be withdrawn. Ms. Cates requested that the traffic item relating to Calvin Road be withdrawn. Without objection, these two items were withdrawn. Mr. Calloway moved administration's recommendations on the remaining item on the Consent Agenda be upheld. His motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSES - HOLIDAY INN NORTH - APPROVED

A privilege license application has been received for "Holiday Inn-North (Syds)," located at 2815 North Boulevard. The manager, Wallace Eugene West, Sr., is the individual making the application. City Code Sections 2-2032 (2), (3), (5), and 12-2118 (3) require City Council approval before a license may be issued for a dance hall, public club with live entertainment, classified as a class two entertainment center.

Inspections and Police reports indicate approval.

Recommendation: Approval of this privilege license is requested. Consent Agenda approval: Calloway/Babb - 8 ayes.

ARCHITECTURAL SERVICES - FRED FLETCHER PARK MASTER PLAN - CONTRACT APPROVED

On November 15, 1983, the Council approved retention of Stanley N. Williams, Landscape Architect, to prepare the master plan for this park, subject to Administration being able to negotiate a suitable fee and contract.

A contract has been negotiated which provides for a fixed fee of $18,300 to perform the master planning services for the Fred Fletcher Park. An amount of $15,000 has been previously budgeted for this work.

Recommendation: It is recommended that the contract with Stanley Williams be approved and that the following funds transfer be approved to provide for the full funding of this work.

Transferred From:		
37-2-1000-0100	Council Reserve-Park Fund	$3,300

Transferred To:		
37-2-2430-0210	Methodist Home Plan	$3,300

Consent Agenda approval Calloway/Babb - 8 ayes. See Ordinance 262 TF 13.

YADKIN DRIVE BRIDGE REHABILITATION - NCDOT CONTRACT APPROVED

This project has been approved for funding in the N.C. Department of Transportation Bridge Improvement Program. The project cost is $165,000 and the City will be reimbursed for 80 percent of this project from the State. The City needs to enter into a Municipal Agreement to allow the project to be constructed. The City's funding share has been budgeted.

Recommendation: It is recommended that the Council adopt a resolution authorizing the execution of the agreement with the N.C. Department of Transportation for the funding of the Yadkin Drive Bridge Rehabilitation Project. Consent Agenda approval: Calloway/Babb - 8 ayes.

RESOLUTION NO. (1984) 429

The following resolution was introduced, and Councilman Calloway moved that it be adopted. The motion was seconded by Councilwoman Babb, and, upon being put to a vote, the resolution was unanimously carried;

WHEREAS, the City of Raleigh proposes to make certain improvements under the Federal-Aid Highway Bridge Replacement and Rehabilitation Program, said improvements to consist of the rehabilitation of the concrete structure on Yadkin Drive over Crabtree Creek under Project 8.2400201 (B-1478), Wake County; and,

WHEREAS, the City of Raleigh proposes to enter into an agreement with the North Carolina Department of Transportation for said improvements wherein the City of Raleigh agrees to prepare the planning report, design the project, make all necessary utility adjustments, and acquire the right-of-way, at its own expense, and further agrees to construct the improvements; and,

WHEREAS, under the proposed agreement, the Department of Transportation will reimburse the City of Raleigh for 80 percent of the total allowable project construction costs as set out in the agreement.

NOW, THEREFORE, BE IT RESOLVED that the agreement for the hereinabove referenced improvements, under Project 8.2400201, Wake County, is hereby formally approved by the City Council of the City of Raleigh and the Mayor and City Clerk of the Municipality are hereby empowered to sign and execute the required agreement between the City of Raleigh and the Department of Transportation.

SWIMMING POOL ARCHITECTURAL SERVICES - LAKE JOHNSON/EAST RALEIGH POOLS - CONTRACT WITH GEORGE M. SMART/L. E. WOOTEN AND COMPANY - APPROVED

On November 3, 1983, the Council approved retention of the firms of George M. Smart, Architects, Inc., and L. E. Wooten and Company to design these two pools. Administration has negotiated a contract which provides for a fixed fee of $95,000.

Recommendation: It is recommended that the contract with George M. Smart, Architects, Inc., and L. E. Wooten and Company be approved.

It is further recommended that the following transfer of funds be approved to set up the funds for the design services, plus a $20,000 account for general expenses for soil borings, survey, prints, and advertising.

Transferred From:		
38-2-2030-0100	Lake Johnson/East Raleigh Pools	$115,000

Transferred To:

38-2-2030-0102	Lake Johnson/East Raleigh Pool B	$ 95,000
38-2-2030-0104	Lake Johnson/East Raleigh Pool D	$ 20,000

Consent Agenda approval: Calloway/Babb - 8 ayes. See Ordinance 262 TF 13.

REHAB WARRANTY - 1118 BOYER STREET - APPROVED

It is requested that Rehab Warranty Funds be provided for the following rehab case:

1118 Boyer Street - $180

These funds are necessary to satisfy warranty complaints that were not handled by Hodge and Company, the contractor who performed the work.

This rehab contract was bonded and the company that provided the bond has been notified by the City of Raleigh of its intent to make claim. The City will be reimbursed for the funds once they are obtained.

Recommendation: It is recommended that these funds be approved.
Consent Agenda approval: Calloway/Babb - 8 ayes.

HILLSBOROUGH STREET - TOPOGRAPHICAL AND UNDERGROUND SURVEY - BONEY AND ASSOCIATES RETAINED

The Appearance Commission's Hillsborough Street project has advanced through Phase II. Phase I and II were mainly involved with the planting of street trees in the 100, 200, 300 and 500 Blocks. (We have delayed planting on the 400 block because of the extensive curb and sidewalk work needed.) The Appearance Commission plans to meet with property owners and businessmen sometime in late January or February to review the status of street improvements including two-way traffic, and re-evaluate Phase III plans for the first five blocks. After the meeting, the Planning staff would come to the Administration and the Council with recommendations for Phase III.

In determining the scope which Phase III should take, it would be appropriate to have an accurate topographical and underground survey completed for the first five blocks. The engineering firm of Boney and Associates satisfactorily performed the survey work for the Fayetteville Street Mall and is equipped to handle the work required along Hillsborough Street. A proposal to perform the work for a fee not to exceed $5,400 has been received. Funds are available in the Hillsborough Street Landscape Account that could be used for this work.
Because of the relatively small amount of the work involved and the previous experience with the firm, the extensive process of proposal solicitation has not been used.

Recommendation: It is recommended that the firm of Boney and Associates be retained to perform the necessary topographic and underground survey work at a fee not to exceed $5,400. Consent Agenda approval: Calloway/Babb - 8 ayes.

SANITARY SEWER EASEMENT EXCHANGE - MINI-CITY AREA - APPROVED CONDITIONALLY

This is a request from Marvin Musselwhite, representing the owners of property in the Mini City, to relocate a previously recorded sanitary sewer easement. The original easement was recorded in Book of Maps 1971, Page 210, which had the sewer easement going under an impoundment pond. The proposal is to relocate the twenty-foot sanitary sewer easement outside of the pond area.

A map will be available at the Council Meeting to illustrate this relocation.

Recommendation: It is recommended that the Council approve the exchange of sanitary sewer easement, subject to the City Clerk doing the necessary legal advertisement. Consent Agenda approval: Calloway/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - DENNIS WAYNE ROBINSON - APPROVED ON SECOND AND FINAL READING

During the January 3, 1984 Council Meeting, an application from Dennis Wayne Robinson - Ebony Cab Company for individual owners permit was approved on the first reading. Administration recommends approval on a second and final consideration. Consent Agenda approval: Calloway/Babb - 8 ayes.

LIMOUSINE SERVICE FRANCHISE - COMMUTER EXPRESS INC. - APPROVED ON SECOND AND FINAL READING

During the January 3, 1984 Council Meeting an application for a new franchise for Commuters Express, Inc. - Willie James Brewington, Jr., Wayne Edward Leechford Hanes was approved on the first reading. Administration recommends approval on the second and final reading. Consent Agenda approval: Calloway/Babb - 8 ayes.

TAXICAB OWNER'S PERMIT - APPROVED ON FIRST READING TO BE PLACED ON FEBRUARY 7, 1984 AGENDA

Applications have been received from the following to operate a taxi. The applications have been checked and meet the requirements of Section 12-2053 of the City

Code. Approval is recommended. If approved, these applications will be placed on the February 7, 1984, Agenda for second and final consideration.

John J. Ruffin, Rainbow Cab Company
(Individual Owner's Permit)

Ricks Oduor Jayala, Research Triangle
Taxi and Transfer Company
(Franchise Renewal)

Lynwood Ray, Ebony Cab Company
(Renewal Individual Owner's Permit)

Administration recommends approval. Consent Agenda approval: Calloway/Babb - 8 ayes.

CIVIC CENTER - ITEM OF INFORMATION - RECEIVED

Approval has been granted for the rent-free use of the meeting room at the Civic Center for the evening of Monday, February 13, 1984 to hold the annual meeting of the credit union membership. The item was received as information without comment.

TRAVEL REIMBURSEMENT - CITY COUNCIL MEMBER - APPROVED

In accordance with Resolution No. (1982)-829, adopted on February 16, 1982, the following travel plans have been submitted by Mayor Upchurch:

Location: Norfolk, Virginia
Date: January 22-24, 1984
Purpose: To attend a CUED conference on "Downtown Development: A Problem-Solving Approach"
Estimated Reimbursement: $483

Later in the meeting, Mayor Upchurch indicated he would not be making the trip to Norfolk, Virginia; however, Mayor Pro Tem Walters would be taking the trip. The item was received as information. Consent Agenda approval: Calloway/Babb - 8 ayes.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been approved by the City Manager according to Council policy. Concurrence with the Manager's action is recommended. Consent Agenda approval - Calloway/Babb - 8 ayes. The transfers were as follows:

	Account Number	Amount
From	01-2-1020-231	$ 16.00
To	01-2-1020-213	16.00
From	01-2-4120-282	$355.00
From	01-2-4120-257	424.50
To	01-2-4120-260	779.50
From	01-2-1180-701	150.00
To	01-2-1180-702	150.00
From	06-2-7100-002	900.00
To	06-2-7010-231	900.00

TRANSFERS - WITHIN VARIOUS ACCOUNTS - ORDINANCE ADOPTED

The Agenda listed various transfers within code accounts for purposes as stated therein with recommendation of approval. One transfer related to funds to pay the railroads for flagmen during extension of time granted on the Boylan Avenue Bridge according to the Municipal Agreement. Administration recommends approval of the transfers as outlined on the Agenda. Consent Agenda approval: Calloway/Babb - 8 ayes. See Ordinance 262 TF 3.

BID REQUEST 83-40 - VEHICLE CAR WASH SYSTEM - BID AWARDED TO CARAVELLE INDUSTRIES, INC.

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 9, 1984 for vehicle car wash system with results as follows: Caravelle Industries - $19,985; N/S Corporation - $23,473. Administration recommends the low bid of Caravelle Industries, Inc. be awarded. Consent Agenda approval: Calloway/Babb - 8 ayes.

BID REQUEST 83-43 - CAST IRON SOIL PIPE - BID AWARDED TO FERGUSON ENTERPRISES

Pursuant to advertising as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 9, 1984 for assorted sizes and fittings of cast iron soil pipe with results as follows: Ferguson Enterprises - $15,680,90; Noland Company - $17,146.40. Administration recommends the low bid submitted by Ferguson Enterprises be awarded. Consent Agenda approval: Calloway/Babb - 8 ayes.

BID REQUEST 83-44 - AUTOMOBILES - JOINT AWARD MADE TO SIR WALTER CHEVROLET, CHARLIE WIYGUL FORD AND BOBBY MURRAY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on January 9, 1984 for automobiles with results as follows:

ITEM 1 - 4-Door-Police - Blue and White - Full Size

SIR WATER CHEVROLET COMPANY	$10,845.00
BOBBY MURRAY CHEVROLET, INC.	$10,862.21

RECOMMEND: SIR WALTER CHEVROLET COMPANY

ITEM 2 - 4-Door-Police - Intermediate Size

CHARLIE WIYGUL FORD	$10,034.90
O'NEAL MOTORS	$10,399.68

ITEM 3 - 4-Door - Subcompact Sedans

BOBBY MURRAY CHEVROLET, INC.	$ 5,949.47
SIR WALTER CHEVROLET	$ 5,965.00
O'NEAL MOTORS, INC.	$ 6,246.38
CHARLIE WIYGUL FORD, INC.	$ 6,496.53

RECOMMEND: BOBBY MURRAY CHEVROLET, INC.

ITEM 4 - 4-Door - Station Wagon

BOBBY MURRAY CHEVROLET, INC.	$ 8,720.22
CHARLIE WIYGUL FORD, INC.	$ 8,749.00
SIR WALTER CHEVROLET	$ 8,750.00

RECOMMEND: BOBBY MURRAY CHEVROLET, INC.

ITEM 5 - 15-Passenger Van

CHARLIE WIYGUL FORD, INC.	$13,283.43

RECOMMEND: CHARLIE WIYGUL FORD, INC.

Administration recommends approval of the low bid as outlined on each item. Consent Agenda approval: Calloway/Babb - 8 ayes.

BID REQUEST 83-46 - THREE REFUSE COLLECTION BODIES - BID AWARDED TO SANCO CORPORATION

Pursuant to advertisement as required by law bids were received and publicly opened in the office of the Purchasing Agent on January 9, 1984 for three refuse collection bodies less trade with results as follows: Sanco Corporation - $38,232; Quality Equipment and Supply - $41,079; Cabco, Inc. $44,421. Administration recommends the low bid submitted by Sanco Corporation be awarded. Consent Agenda approval: Calloway/Babb - 8 ayes.

TRAFFIC - YIELD SIGN INSTALLATION ON VALERIE DRIVE - APPROVED

The Agenda presented a recommendation for a yield sign installation on Valerie Drive at Barbara Drive because of limited site distance on the north bound of Valerie Drive from westbound Barbara Drive. Administration recommends approval. Consent Agenda approval: Calloway/Babb - 8 ayes. See Ordinance 263.

END OF THE CONSENT AGENDA

TRAFFIC - NO PARKING ON PORTIONS OF CALVIN ROAD - ORDINANCE ADOPTED; IMPACT ON THE CALVIN ROAD AREA - REFERRED TO PUBLIC WORKS COMMITTEE

The Department of Transportation recommends that a No-Parking zone be established on Calvin Road, east side, between Saint Mary's Street and College Place, 8:00 a.m. to 3:00 p.m., school days. This No-Parking zone will exclude an existing Passenger Loading zone in this area.

This recommendation is the result of a request from Wiley School, which cited the difficulty school buses have traveling on this narrow street and the potentially unsafe situation for students crossing Calvin Road. This action will result in the loss of approximately twenty (20) on-street spaces during school days and hours.

Ms. Cates indicated she had requested that this item be withdrawn from the Consent Agenda pointing out she did not oppose the recommendation to establish the No Parking on Calvin Road, but she does feel it might present problems with parking back into the neighborhood. She stated she would move approval of the Department of Transportation's recommendation relative to No Parking on Calvin Road but refer to Public Works Committee an item to look at the impact of this no parking on Calvin Drive on the neighborhood. Her motion as seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 263

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 3 entitled "YIELD SIGNS" be amended by adding the following:

Valerie Drive at Barbara Drive

Section 2. That Traffic Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Calvin Road, east side, from Saint Mary's Street southward 317 feet, 8:00 a.m. to 3:00 p.m., school days

Calvin Road, east side, from a point 360 feet south of Saint Mary's Street, southward to a point 100 feet north of College Place, 8:00 a.m. to 3:00 p.m., school days

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective January 24, 1984.

Adopted: 1/17/84

Effective: 1/24/84

TRAFFIC - GLENWOOD AVENUE/OBERLIN ROAD - REFERRED BACK TO ADMINISTRATION

The Department of Transportation recommends that a No U-Turn restriction be established for traffic on Glenwood Avenue, eastbound, at Oberlin Road.

This restriction is necessary to alleviate an accident problem identified during a routine investigation of the intersection. There has been a 250 percent increase during the past twelve months of accidents directly associated with this U-Turn movement. The absence of a left-turn storage lane and with insufficient width to accommodate one in the future indicate the need for this restriction.

Mr. Keller indicated this is an impossible intersection and he feels that this recommendation, while it may be OK, is only a little piece of the total problem. He stated he would like for Administration to study the change in traffic in this area particularly as it relates to the traffic patterns that have changed because of construction of an office building. He stated it is a terrible situation and he feels that this recommendation is just a little piece of what should be done. Ms. Babb questioned if Mr. Keller was saying "not approve this recommendation until we could get the whole package" with Mr. Keller indicating that is correct. Brief discussion took place and without objection this recommendation was referred back to Administration to study further and to study the entire traffic pattern at this intersection.

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Planning Commission Consent Agenda indicating it would be handled in the same manner as the regular Consent Agenda. Mr. Congleton requested that CR-4015 (S-168-83) and CR-4024 (PA 197) be withdrawn. Mr. Calloway requested that CR-4027 (SC-221) be withdrawn. Without objection, these items were withdrawn from the Consent Agenda. Mr. Keller moved the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

The items on the Planning Commission Consent Agenda were as follows:

SUBDIVISION S-134-83 - SUNNYBROOK VILLAGE - APPROVED - CITY TO ACCEPT DEDICATION OF GREENWAY EASEMENT

This was a request for approval to subdivide a 65.3 acre tract which is currently undeveloped and zoned Residential-6 and Office and Institution-II into eight (8) lots. The developer is dedicating 10.8 acres to the City as Greenway easement.

The property is located on the east side of Sunnybrook Road, just north of Pine Grove Road, outside the City Limits.

CR-4013 from the Planning Commission recommended that this request be approved according to a map entitled, "Sunnybrook Village," the property of Hubert B. Parks and F. Roger Page, Jr., drawn by McNeely Associates, dated September 1, 1983, revised October 26, 1983, November 10, 1983, December 1, 1983, December 7, 1983, January 3, 1984, and January 5, 1984, and that the City accept the dedication of the Greenway easements. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-169-83 - STONEHENGE IIIA - APPROVED

This was a request for approval to subdivide 5.73 acres which are currently undeveloped and zoned Residential-4 into six (6) single-family lots.

The property is located west of NC 50 North and an extension of Corberrie Lane, outside the City Limits.

CR-4016 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge IIIA," the property of Reba C. and John H. Walker, drawn by Penny Greene and Associates, dated November 20, 1983, revised December 20, 1983. With Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-170-83 - WHEELER PLACE CLUSTER UNIT DEVELOPMENT - APPROVED CONDITIONALLY

This was a request for approval to subdivide an undeveloped 22.8 acre tract which is zoned Residential-4 into a 56-lot cluster development.

The property is located on the west side of Lake Wheeler Road, just south of Sierra Drive, outside the City Limits.

CR-4017 from the Planning Commission recommended that this request be approved according to a map entitled, "Wheeler Place Cluster Unit Development," the property of CB&S, drawn by Jerry Turner and Associates, dated December 1, 1983, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-171-83 - RALEIGH MEDICAL BUILDING 3 - APPROVED

This was a request for approval to construct a 26,200 square foot office condominium project on 2.38 acres which are currently undeveloped and zoned Office and Institution-I and Conservation/Buffer.

The property is located on the east side of Executive Drive, just south of New Hope Church Road, inside the City Limits.

CR-4018 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Medical Building 3," the property of Raleigh Community, drawn by Envirotek, Inc., dated December 20, 1983. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-172-83 - STONEHENGE 9 REVISIONS - APPROVED

This was a request for approval to revise a previously approved plan (S-119-83) to reduce Hamrick Drive from a collector street to a residential street in conformance with the City's Collector Street Plan and to reduce the lot count from 110 to 108.

The property is located on the east side of NC 50 at the intersection of NC 50 and Morgan's Way, outside the City Limits.

CR-4019 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge 9 Revisions," the property of Development Associates, drawn by Tom Coffey and Penny Greene, dated December 15, 1983. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-173-83 - STONEHENGE TOWNHOMES REVISION - APPROVED WITH CONDITIONS

This was a request for approval to revise the location of Units 23 through 40 of a 40-unit townhouse project on 9.88 acres which are currently under development and zoned Residential-6.

The property is located at the northeast corner of Sawmill Road and Wilderness Road, inside the City Limits.

CR-4020 from the Planning Commission recommended that this request be approved according to a map entitled, "Stonehenge Townhomes Revisions," the property of Homes by Dickerson/Development Associates, drawn by Tom Coffey and LaMarr Bunn, dated December 16, 1983, with the condition that the legal documents for the non-profit, homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-176-83 - CAMERON VILLAGE CONDOMINIUM II CONVERSION - APPROVED

This was a request for approval to convert 130 units into condominiums on 6.62 acres which are currently developed and zoned Residential-20.

The property is located on the west side of Daniels Street, at the intersection of Sutton Drive, inside the City Limits.

CR-4022 from the Planning Commission recommended that this request be approved according to a map entitled, "Cameron Village Condominium II Conversion," the property of J. W. York, drawn by John A. Edwards and Company, dated December 20, 1983. Consent Agenda approval: Keller/Calloway - 8 ayes.

SUBDIVISION S-177-83 - BISHOP'S PARK PHASE 3 - APPROVED

This was a request for approval of Phase 3 consisting of 54 condominium units in two (2) buildings on an overall site of 7.3 acres, zoned Office and Institution-I. This revised plan reduces the total proposed units from 180 to 156 condominium units within the 7.3 acre parcel.

The property is located between Washington Street and Glenwood Avenue, inside the City Limits.

CR-4023 from the Planning Commission recommended that this request be approved according to a map entitled, "Bishops Park, Phase 3," the property of Martin-McGuire, Inc., drawn by Dockery, Hunter, Reynolds and Jewell, PA, dated January 5, 1984. Consent Agenda approval: Keller/Calloway - 8 ayes. Consent Agenda approval: Keller/Calloway - 8 ayes.

PA-198 - LANDINGS AT NORTH RIDGE SECURITY GATE - APPROVED WITH CONDITION

This was a request for approval to construct a set of security gates on a private drive into a townhouse project, zoned Conservation/Buffer.

The property is located at the end of Landings Way, just off of Litchford Road, outside the City Limits.

CR-4025 from the Planning Commission recommended that this request be approved according to a map entitled, "Landings at North Ridge Security Gates," the property of Hunters Point Associated, drawn by Jerry Turner and Associates, dated December 1, 1983, with the condition that the applicant work with the City Staff in notifying and arranging adequate measures to insure public safety access into the property. Consent Agenda approval: Keller/Calloway - 8 ayes.

SC-220 - PRODUCT CENTER - APPROVED WITH CONDITIONS

This was a request for approval to construct a 25,400 square foot building on a 1.34 acre site zoned Shopping Center.

The property is located on the east side of Bland Road, just north of Hardimont Road, inside the City Limits.

CR-4026 from the Planning Commission recommended that this request be approved according to a map entitled, "Product Center," the property of Richard Hibbits/Carolantic Realty, drawn by Troy Herring, III, AIA, dated December 19, 1983, with the condition that the cross-parking and access easements are reviewed and approved by the City Attorney's Office and recorded prior to issuing any building permits. Consent Agenda approval: Keller/Calloway - 8 ayes.

COMPREHENSIVE PLAN - PROPOSED AMENDMENT TO SOUTHEAST DISTRICT PLAN - PUBLIC HEARING AUTHORIZED

This was a request for approval to amend the Southeast District Plan of the Comprehensive Plan to shift the Cross Link Neighborhood Focus Area from its present location at Cross Link Road and Old Garner Road southward to Old Garner Road and Proposed Tryon Road Extension.

CR-4028 from the Planning Commission recommended that the City Council, for the next joint public hearing, authorize an amendment to the Southeast District Plan of the Comprehensive Plan to shift the location of the Neighborhood Focus Area from its present location at Cross Link Road and Old Garner Road to Old Garner Road and proposed Tryon Road Extension. Consent Agenda approval: Keller/Calloway - 8 ayes.

REZONING Z-123-83 - OLD GARNER ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 23 acres from Residential-6 to Neighborhood Business (9 acres) and Residential-10 (14 acres).

CR-4029 from the Planning Commission recommended that Z-123-83 be approved as amended; that is, that the northern portion of the property in the request located on the north side of proposed Tryon Road Extension be rezoned to Shopping Center, and that the southern portion of the request on the south side of the proposed Tryon Road Extension be rezoned to Residential-10 according to a map on file in the Planning Department.

Members of the City Council will find attached to their Agenda copies of the above Certified Recommendations of the City of Raleigh Planning Commission. Consent Agenda approval: Keller/Calloway - 8 ayes. See Ordinance 264 ZC 132.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-168-83 - BASHFORD PLACE - APPROVED

This was a request for approval to convert an existing 11-unit apartment complex on 1.2 acres zoned Residential-10 into condominiums.

The property is located on the southwest corner of Bashford Road and Buck Jones Road, inside the City Limits.

CR-4015 from the Planning Commission recommended that this request be approved according to a map entitled, "Bashford Place," the property of Cary Construction Company, drawn by Jay Randall Houston, PE, dated November 1, 1983.

Mr. Congleton indicated in dealing with another piece of property in this area, he noticed the same problem on this particular piece of property and that is the extension of Bashford Road. He questioned if approval of this subdivision would require that they extend the curb, gutter, and pavement with Planning Director Chapman indicating the improvements will have to be continued. Mr. Congleton moved approval of the Planning Commission recommendation. His motion was seconded by Mr. Walters and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-197 - GRAY-FISH-RICHARDSON HOUSE - REFERRED TO THE COMPREHENSIVE PLANNING COMMITTEE

This was a request for approval to convert an existing residential structure into a 4,726 square foot office building on a .47 acre parcel, zoned Office and Institution-II.

The property is located on the east side of North Blount Street, just south of Peace Street, inside the City Limits.

CR-4024 from the Planning Commission recommended that this request be approved according to a map entitled, "Gray-Fish-Richardson House," the property of Rumsey-Blasdell Partnership, drawn by Barrett Kays and Associates, dated December 20, 1983, with the condition that if cross-access easements from either adjacent lot cannot be obtained within 90 days from City Council approval, that the existing driveway will be expanded from the existing 10 feet to a minimum of 24 feet, approved by the City's Department of Transportation and this expanded driveway shall meet the Historic District Guidelines.

Mr. Congleton indicted he had requested this item be withdrawn from the Consent Agenda pointing out he had some questions regarding some of the historical requirements and he would like to refer this case to the Comprehensive Planning Committee. Without objection, PA-197 was referred to the Comprehensive Planning Committee.

SC-221 - URBAN MINISTRY CENTER - APPROVED

This was a request for approval to convert the existing building into an emergency shelter.

The property is located at 410 South Blount Street, inside the City Limits, within the Downtown Business District.

CR-4027 from the Planning Commission recommended that this request be approved according to a map entitled, "Urban Ministry Center," the property of Raleigh Area Ministries, Inc., drawn by Jack Schurman, dated January 6, 1984.

Mr. Calloway indicated he had asked that this be withdrawn from the Consent Agenda indicating Reverend Retha Whitley had asked permission to speak on this item. He stated as a point of personal privilege, he would ask the Council to hear from Reverend Whitley. Without objection, this was agreed to.

Reverend Whitley expressed appreciation for being allowed to speak, pointing out she was at the meeting representing 159 persons and organizations who have signed a petition of opposition to the opening of an overnight shelter at 410 South Blount Street. She stated there are already four such agencies in this area - Raleigh Rescue Mission, Salvation Army, Gethesame Rainbow Halfway House, and Lydia Baptist Church Outreach Ministry. She stated they highly endorsed the Council's concern and efforts to provide a shelter for Raleigh's homeless and street people, but they urge the Council to seek a fight for a shelter in other areas outside of Southeast Raleigh. She stated she does not approve of the forced closing of Lydia Baptist Emergency Home to make way for this new shelter which could cause an over concentration. She named some of the people who had signed the petition indicating there were three or four other people in the audience who wanted to speak on this item.

Mayor Upchurch indicated the particular house in question is in need of a lot of repairs in order to make code requirements and if the location is approved, the code requirements would still have to be met as far as building codes, etc. Mr. Calloway pointed out the City has gone on record of trying to help Reverend Whitley with her problem and Administration is trying to work with her in coming up with a location that would meet all code requirements for her facility. He stated in light of that he would move approval of SC-221 as recommended in CR-4027 from the Planning Commission. His motion was seconded by Mr. Congleton. Ms. Babb pointed out that this does come under two different ordinances and we have gotten into a situation where it seems that we seem to be in opposing circumstances, but it is her understanding and belief that Administration will continue working with Reverend Whitley and others who are trying to meet the needs of the people. Mayor Upchurch indicated he spoke to the multi-listing organization earlier today and called attention to the problems and they pledged their help and support in attempting to help the City and others in solving this problem. Ms. Block indicated she had received a call from Sister Helen and she was sorry that she mislead Sister Helen about the time this item would be heard or Sister Helen would have been here to defend her organization. Ms. Block stated, in summary, she feels that no organization should be allowed to operate unless they meet all code requirements. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

YOUTH COUNCIL ADVISORY BOARD - APPOINTMENTS MADE

The City Clerk indicated there is one vacancy as the term of Martha Keravouri expired December 23, 1983, and she is not eligible for reappointment because of length of service. Nominations include Betty Jo Kendell and E. G. Honeycutt. The Clerk indicated during a recent meeting Dorothy Petty was reappointed; however, Ms. Petty is unable to serve therefore there are actually two vacancies. Mayor Upchurch read the letter of resignation from Ms. Petty. There being no further nominations, Ms. Block moved that nominations to the Youth Council Advisory Board be closed and Ms. Kendell and Mr. Honeycutt be appointed by acclamation. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HOUSING APPEALS BOARD - GLENN PLOTT - APPOINTED

The City Clerk reported one vacancy for an alternative member of the Housing Appeals Board as a result of a recent ordinance enlarging this Board. Glenn Plott has been nominated and nominations have not been closed. There being no further nominations, Mr. Congleton moved that nominations to the Housing Appeals Board be closed and Mr. Plott appointed by acclamation. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NOMINATIONS MADE

The City Clerk reported three vacancies on this committee. One as a result of Peter Andrews' desire not to be reappointed and enlargement of this committee to 12 members. Nominations include Dr. Ann McGee, Mabel Dorcey and Reverend Retha Whitley. Nominations have not been closed. Ms. Block nominated Mrs. Willie High, Mr. Congleton nominated Dennis Gabriel pointing out Mr. Gabriel is a minister and and Mr. Andrews had suggested the possibility of a minister, female or black be appointed to this committee. No further action was taken.

MAYOR'S COMMITTEE ON SERVICES TO THE HANDICAPPED - APPOINTMENTS MADE

Mayor Upchurch indicated he has been working with the Chairperson of the Mayor's committee and presented a slate of 20 persons which they suggest to serve on the Mayor's Committee for Services to the Handicapped. He indicated he would suggest that these appointments be made for a full two year term regardless of the current expiration date explaining that the list includes 19 persons who are presently serving on the committee. He stated it is also requested that Council Members submit nominees or persons to be added to this slate as there is no set number on the committee. Brief discussion took place and Ms. Block moved that the City Council accept the Mayor's recommendation and the following 20 persons be appointed to a two year term on the Mayor's Committee on Services to the Handicapped with the understanding that additional members could be added at the Council's recommendation. Her motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

The members are as follows: Debbie Jackson, Tom Lanier, Frank Rouse, Bette Elliott, Ron Mace, Sabina Vermeulen, Gary Ray, Ken Franklin, Barbara Faircloth, Paul Bamford, Robert E. Carter Landis Bennett, E. Bobbitt Faulk, Robert F. McLain, James Mitchell, John C. Brooks, Theresa Joan Rosenberg, Robert C. Sexton, Peter Ward, and John Dalrymple.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

CD LOANS - POLICY CLARIFICATION - ADOPTED

Chairman Keller indicated the Law and Finance Committee recommends that the revised Community Development rehabilitation loans and grants criteria be adopted as included in the Agenda packet dated January 3, 1984. He stated this clarifies that non-residential properties found to be in non-compliance with the North Carolina Building Code, as adopted by the City would be eligible properties for CD rehabilitation loans. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CIVIC CENTER - REQUEST FOR WAIVER OF RENTAL FEES BY SCHOOL SYSTEM - DENIED; MEETING TO BE HELD WITH SCHOOL OFFICIAL

Mr. Keller indicated the Law and Finance Committee recommends that the two requests for waiver of Civic Center rental fees received from Wake County Public School system be denied. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block.

Mr. Congleton indicated he had received a number of calls on this item since the last meeting. He stated he did have concerns about the second request coming in on the heels of the first request and the precedent was being set. He stated, however, he did feel that to some degree that the City should make a strong effort in intergovernmental relations; therefore, he would offer a substitute motion that we deny this request, but the City appropriate $500 to be used for these two projects as necessary. His substitute motion was seconded by Mr. Calloway. Ms. Block indicated any time the City tries to assume the County or School Board's responsibilities, the

Council ends up making the Raleigh taxpayer assume two-thirds responsibility. She pointed out Raleigh residents or County residents as this is a county service with Mr. Walters explaining something other than tax money would have to be used for this purpose. Mr. Keller indicated at the Mayor's request the Intergovernmental Committee has set up a meeting between the Mayor, the City Manager, Mr. Bridgers, and Dr. Marks to discuss our policies on rental fees, etc. Mr. Upchurch indicated he had asked that this meeting be called as he had received some rumor about this action and it concerned him that he received rumors rather than having direct dialogue and he felt maybe it was time that the City meet with representatives of the school as soon as possible to discuss the City's policy. Discussion took place on the City policy and the fact whether it be City school money or City taxes it is all the citizens money and the need to look at this very carefully. Mr. Congleton indicated based upon the fact that a meeting has been called to discuss this with school representatives, he feels there is a commitment to good relationships. Therefore, he would withdraw the substitute motion and we could revert back to the original motion. Mr. Calloway agreed.

Ms. Cates indicated she was glad to hear this discussion and would hope in the discussion with the school representations the City would point out that the City is charged for use of school gyms. Mr. Calloway indicated he would like to be included in this meeting pointing out the City has been trying to mend fences and he feels this is an important meeting. Ms. Babb indicated her first impulse was to support some split with the school representative, but the committee requested a budget and an official request from the School Board for this use. She indicated the budget material was not communicated to the committee prior to the meeting and still there has been no official request from the governing body. She indicated she feels it is good to have the meeting with the school representatives, but she feels that it should include some representatives from the governing body or the School Board. Ms. Block questioned if all of the 12 municipalities were asked to donate for this cause or just Raleigh. She stated she feels if the City has to pay for the use of the gyms, then we should get payments for use of our facilities. The motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

SUBDIVISION S-164-83 - REAVES DRIVE CONDOMINIUMS - HELD IN COMMITTEE; PUBLIC HEARING ON REZONING REQUEST FOR THIS PROPERTY - AUTHORIZED

Ms. Block indicated the Public Works Committee was advised that there is a pending zoning application on the property covered by Subdivision S-164-83; therefore, the item will be held in committee pending the result of this application. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway and passed unanimously.

Ms. Block indicated that she had stated at the Public Works Committee that she would ask that Ben Taylor be allowed to speak and as a point of personal privilege she would make that request.

Mr. Taylor indicated he was very concerned about this particular case and the policy in general referring to the policy of a pending zoning case holding up development. He questioned if there is any way to have a zoning case speeded up so that it can be properly aired, heard, and disposed of so that plans can be made for this property. He indicated the general question is whether the Council feels it is valid to continue a policy that allows a person to come in and for $75 stop development of a project. He indicated he would like for the Council to address whether a special public hearing can be held for this particular case and feels that maybe the policy question should be addressed in committee. Mr. Walters pointed out we have had emergency hearings in the past and this was discussed at length. Mr. Chapman explained the subdivision in question and the fact that the Planning Commission had recommended approval of the subdivision and had granted a variance to the parking requirement. He stated the property is currently zoned Residential-10 and has been zoned that way for quite some time. He stated the pending zoning request is that the property be rezoned to Residential-4. He stated it was just filed during this month, so if it went through the normal process, it would be heard the last meeting in March, with Ms. Block indicating she understands the rezoning request is to rezone the neighborhood as close as possible to what it is presently developed. Mr. Taylor indicated the subdivision was referred to Public Works Committee and the merits of the subdivision were not discussed. The only thing discussed was the fact that a down zoning had been filed. He indicated it takes months to have the hearing go to committee back to City Council, etc. He stated this is not a frivolous activity of the people involved, it is a business and a livelihood. He pointed out this is the type of infill project that he had thought the Council had tried to encourage. Discussion took place with Mr. Taylor pointing out the problem he has is the length of time it takes to get the zoning case heard. After further discussion, Ms. Babb indicated she would withhold judgement on the merits of the zoning case, but she saw no reason why the Council could not schedule a public hearing so that it can get before the Council. Therefore, she would move that the City Council authorize a special zoning hearing on this case as soon as possible. Discussion took place as to whether the City can schedule a special zoning hearing with it being pointed out it had been done in the past. City Attorney McCormick explained, however, the Council has changed the zoning procedure recently and we have not had a special hearing since that time. He stated he would like to have an opportunity to check it out. The motion to schedule a special public hearing was seconded by Mrs. Cates. It was agreed to hold the motion on the floor until the City Attorney had an opportunity to check the procedures.

Later in the meeting, the City Attorney indicated he had an opportunity to review the Ordinance Book and the Council does have the right to call a special zoning hearing. He indicated the only provision is that the Council could not hear the case in the same month in which the application was filed or the hearing called. Therefore, Ms. Babb restated the motion to indicate that the Council authorize a public hearing on this zoning case for February 21 or as soon thereafter as possible. Her motion which was seconded by Mrs. Cates was put to a vote and passed with all members voting in the affirmative except Ms. Block who voted in the negative. The Mayor ruled the motion adopted.

Mr. Walters indicated he would like to talk about the second question proposed with Mr. Taylor pointing out he felt very close to this case as it is in his district. He indicated he has said many times that if the Council has a right to approve something they also have the right to disapprove something, if they know it is going to be detrimental to the neighborhood. He stated he did not like using a ploy like this, pointing out the zoning case was filed to defer action on the development. He indicated in his opinion, there is no doubt in his mind, that this development is detrimental to the neighborhood and he feels it would be better if the plan were not approved and he definitely does not like this ploy to delay. This was discussed briefly pointing out with Mr. Walters explaining he feels that we are just opening the door so that if someone does not like a plan approval, all they have to do is come in and pay $75 and file a zoning case and hold up development and he does not feel that is good. No further action was taken.

REZONING Z-128-83 - CARTIER DRIVE - DENIED

Ms. Block reported the Public Works Committee recommends that this rezoning request be denied. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates and put to a vote which resulted in all members voting in the affirmative except Mr. Walters who voted in the negative. The Mayor ruled the motion adopted. See Ordinance 264 ZC 132.

REZONING Z-119-83 - WINTON AND WARD ROADS - REZONED TO OFFICE AND INSTITUTION-I - ORDINANCE ADOPTED

Chairman Block reported the Public Works Committee recommends rezoning the property covered by rezoning application Z-119-83 from Residential-6 to Office and Institution-II. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates.

Mr. Walters indicated he has been very close to this case since the outset. He indicated he feels that we have to consider what is best for the neighborhood and Raleigh as a whole. Therefore, he would make a substitute motion to uphold the Planning Commission's recommendation that this property be rezoned to Office and Institution-I. His substitute motion was seconded by Ms. Babb.

Ms. Block and Mrs. Cates explained their reasoning for recommending Office and Institution-II with it being pointed out if O&I-I had site plan approval, there would have been no objections as both indicated they wanted to see and have the right for approval of the site plan to determine the future of the barricaded streets. Mrs. Cates pointed out the two streets involved are two long for cul-de-sac regulations and she felt that the two roads should be completed in some manner as public streets should have some place for people to turn around. Mr. Walters pointed out the neighborhood is in support of rezoning the property to O&I-I and the Planning Commission recommended O&I-I. After other discussion, the substitute motion to rezone the property O&I-I was put to a vote which resulted in all members voting in the affirmative except Ms. Block and Mrs. Cates who voted in the negative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 264 ZC 132

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Winton Road and Ward, at the dead ends of these two roads, and south of Julian Drive, being Parcels 1069 and 1070 and portions of 1067 and 1068, Tax Map 437, approximately 4.2 acres rezoned to Office and Institution-I District, according to map on file in the City of Raleigh Planing Department (Z-119-83)

(b) Old Garner Road, east side, between Wilson Street and Northview Street, being a portion of Parcel 99, Tax Map 632, rezoned as follows: the northern portion of the property in the request located on the north side of proposed Tryon Road Extension rezoned to Shopping Center, and the southern portion of the request on the south side of the proposed Tryon Road Extension to be rezoned to Residential-10, according to map on file in the City of Raleigh Planning Department. (Z-123-83)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective January 17, 1984.

Adopted: 1/17/84

FALLS/JORDAN WATERSHEDS - RESOLUTION ADOPTED; ITEM REFERRED TO WORK SESSION

Mrs. Block indicated Council Members received in their Agenda packet a copy of the resolution on the protection of the Falls watershed which is recommended for adoption with the understanding that a letter will be forwarded to the Wake County Commissioners expressing concern regarding pollution by gasoline in the critical areas of the watershed. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Calloway. Mr. Keller indicated the only concern he has about the resolution is the fact that the only pollutant mentioned is phosphorus and he feels that concern should be across the board because nitrogen is just as harmful as phosphorus with Ms. Babb agreeing pointing out, in her opinion, that is a serious deficiency in Triangle J and the State's approach. She stated everyone has been talking about phosphorus as that is easy to talk about. However, there are other pollutants that we should be concerned about also. Discussion took place with it being agreed to add to the fifth "whereas" words relating to concern about other toxic pollutants with Ms. Block amending her motion to that effect.

Other discussion followed with Ms. Babb questioning exactly what portions of the resolution meant particularly the last "whereas" where it speaks to critical areas. She indicated the main question here is whether the resolution is indicating all of the City's ETJ in the watershed is being considered critical, with it being pointed out that is not the case. Ms. Babb indicated she felt we should be very careful about the language and wanted to make sure that everyone understands what we are doing as she does not want the Council to make statements and that they cannot do anything about. The percentages mentioned in the resolution were also discussed with Ms. Babb pointing out she had no problem with the percentages. She stated she just does not want the decision related to the Falls watershed to be a political decision. She pointed out the resolution has the following words: "is reviewing options to identify that portion of the Falls Watershed that could ultimately receive urban services, if any,". She questioned exactly what was meant by those words and the resolution. Mrs. Block stated this indicated we are reviewing options and are not suggesting any course of action. Ms. Babbs pointed out many of these decisions must be made in conjunction with the county and questioned when is the City going to set down with the County and discuss what options are available. Mayor Upchurch explained Mr. Grimsley's proposal and how it is to work with Ms. Babb indicating she is just concerned that we do have a good faith straightforward effort and she feels that everyone should go ahead and decide what we are going to do and do it and quite playing games. She stated she felt it was time to go ahead and make the decision of where we are going to deliver urban services. How, when, how should we proceed on the problem, the work of the technical advisory committee and when the report will be available, when we are going to get into the real question of how we are going to protect the water supply, and get into substance rather than procedure was discussed at length. Ms. Babb indicated it seemed to her there was a lot of dialogue going on, but no positive approaches being taken. She stated for instance, we all talk about critical areas, but pointed out there is a good deal of disagreement among technical people on what constitutes a critical area and what the criteria should be. She stated she feels we should work through the fundamental questions and make decisions and get to work. After lengthly discussion on how to proceed, what the resolution means, etc, the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 430

RESOLUTION ON THE PROTECTION OF THE FALLS WATERSHED

WHEREAS, the Falls and Jordan Reservoirs represent a combined public investment of over $305 million with estimated benefits for such uses as recreation, water supply and food control totaling $22 million each year; and

WHEREAS, the addition of phosphorus, sediment, metals, toxics and other pollutants will seriously affect the quality of the Reservoirs for their intended public uses; and

WHEREAS, the sources of these pollutants are wastewater treatment facilities, stormwater runoff, and urban and rural erosion from land in each respective watershed; and

WHEREAS, the North Carolina Department of Natural Resources and Community Development (NRCD) has the authority and responsibility to regulate water quality from point sources such as wastewater treatment facilities and local governments have the authority and responsibility to regulate activities which affect the health, safety and welfare of citizens within their jurisdictions; and

WHEREAS, the Environmental Management Commission of NRCD has adopted water quality classifications for the reservoirs to protect the waters for water supply, recreation, and other uses, and has designated the reservoirs as Nutrient Sensitive Waters for phosphorus controls; and has encouraged local governments to act to limit all pollutants from entering the water supply reservoirs; and

WHEREAS, the timing and degree of phosphorus removal required for wastewater treatment facilities in the watersheds can be affected by the actions of local governments to reduce phosphorus from other sources; and

WHEREAS, local governments have been working through the Falls/Jordan Watershed Steering Committee to develop a plan of action based on a partnership between local and state governments to protect the water quality in general of the Reservoirs; and

WHEREAS, the City of Raleigh, as one of the several local governments represented on the Falls/Jordan Watershed Steering Committee, states its intention to both initiate and continue the implementation of certain policies and programs related to the Falls Watershed; and

WHEREAS, the City of Raleigh adopted, in 1979, a soil erosion ordinance designed to implement and maintain adequate erosion and sedimentation controls throughout its jurisdiction, including areas which drain to the Falls Lake and the Neuse River; and

WHEREAS, the City of Raleigh has storm water management policies presently incorporated within its subdivision regulations, with other policies being considered for incorporation, (including control of the first one-half inch of run-off from impervious cover - one of the guidelines from Secretary Grimsley's state/Local Action Plan Model Recommendation of December 1, 1983); and

WHEREAS, the City of Raleigh has an existing Conservation/Buffer zoning classification, designed to provide natural buffer areas between zoning districts, that, if applied in the Falls Watershed, can serve as a first step toward a delineation of vegetated buffers along stream banks (another of the guidelines from Secretary Grimsley's State/Local Action Plan Model Recommendation of December 1, 1983); and

WHEREAS, the City of Raleigh has placed low density residential zoning classifications permitting development which would average 6% impervious cover on the land in that part of the Falls Watershed within the City's jurisdiction designated as Water Quality Critical areas; and is reviewing options to identify that portion of the Falls Watershed that could ultimately receive urban services, if any, and therefore, which might be permitted to develop with 12% to 30% impervious surface and higher density residential growth (in accordance with the water quality critical area concept as delineated in Secretary Grimsley's Recommendation of December 1, 1983);

NOW, THEREFORE, BE IT RESOLVED THAT the City of Raleigh states its strong support of the State/Local Action Agenda for the Falls Watershed by continuing to administer and strengthen those policies that will sustain and preserve the integrity of the watershed.

Adopted: 1/17/84

COUNCILMAN CALLOWAY EXCUSED FROM THE REMAINDER OF THE MEETING.

REPORT AND RECOMMENDATION OF THE COMMITTEE FOR THE NEW MUNICIPAL BUILDING

COUNCIL CHAIRS - PURCHASE AUTHORIZED

Ms. Block indicated the committee recommends the purchase of new Council chairs with vinyl and cloth upholstery. She stated during the committee meeting, the committee recommended that the existing side chairs in the Council Chamber be reupholstered. However, some additional information has come to light. City Manager Benton indicated he sent Council Members a memo dated January 16, 1984 outlining options and estimates for purchasing or reupholstering Council chairs, as well as purchasing new or reupholstering existing side chairs. He pointed out based on the estimate, the purchase of new side chairs is only slightly more expensive than reupholstering the existing side chairs and possibly the Council may want to consider authorizing the purchase of new vinyl and cloth Council chairs and authorize Administration to either purchase or reupholster the side chairs whichever is more feasible, considering that the existing side chairs could possibility be used elsewhere in the building. Ms. Block moved City Manager Benton's recommendation be upheld. Her motion was seconded by Ms. Babb and put to a vote with all members voting in the affirmative. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING - COMPLETION DATE - INFORMATION RECEIVED

Ms. Block indicated the contractor for the new Municipal Building has advised the City that the building should be available no later than April 1, 1984. Mr. Walters questioned if we should put a penalty on the contractor, pointing out that is why we put liquidated damage clauses in the contract. He stated if the other contractors had of known they would have had a longer time to complete the building, their bid may have been different. Mr. Benton indicated we did put a target date in the contract that the building should be completed by a certain date unless there was extenuating circumstances. He indicated everyone feels that the contractor has had equipment problems and delivery problems that are beyond their control. He indicated this would probably represent a six week delay and he really hoped that we can get into the building prior to the April 1 date. The item was received as information.

MUNICIPAL BUILDING - FOOD SERVICE CONTRACT - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT WITH MACKE COMPANY

Ms. Block indicated the committee recommends that Administration be authorized to negotiate a contract with Macke Company noting the contract shall contain the stipulation that an "A" health rating be maintained and the decor will be subjected to review and approval by the Municipal Building Committee. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mrs. Cates. Brief discussion took place and the motion, as stated, was put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE BOARD OF ADJUSTMENT

BOARD OF ADJUSTMENT - REQUEST FOR INTERPRETATION RELATING TO CHANGEABLE COPY SIGNS - REFERRED TO LAW AND FINANCE COMPANY

Mayor Upchurch indicated the Board of Adjustment had requested an interpretation of the intent with regard to automatic changeable copy signs specifically the sign proposed by Dean Witter. He indicated Council Members received information in their packet regarding this request. Mayor Upchurch indicated the Chairman of the Board of Adjustment is hospitalized; therefore, without objection he would refer this request to the Law and Finance Committee.

REPORT AND RECOMMENDATION OF THE INTERGOVERNMENT COMMITTEE

LIBRARY SYSTEM - GENERAL OPERATIONS AND HOURS - REMOVED FROM THE AGENDA

Mr. Walters indicated the committee recommends removal of this item from the Agenda pointing out concerns relating to the library were discussed at the meeting with Wake County representatives and referred to them for consideration. On behalf of the committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block. Ms. Block pointed out specific mentioned relative to the hours were discussed and the County Commissioners seemed to absorb the information and had concern about the same items. Mrs. Cates pointed out all other municipalities are retaining their Library Board and maybe the City Council should consider doing the same with Mr. Walters pointing out it is understood that the Library Board will have six members, three of which will be Raleigh residents. The motion, as stated, was put to a vote and passed unanimously.

ANNEXATION PROGRAM - 1985 - RESOLUTION OF CONSIDERATION ADOPTED

Mr. Walters indicated the Intergovernmental Committee recommends adoption of a resolution of consideration for areas to be considered for annexation in 1985. He briefly explained a new annexation procedure. He presented a map which shown the areas to be included in the resolution of consideration showed in orange. He also indicated the map shows areas which we assume annexation by petition will occur. Mr. Walters moved adoption of the Resolution of Consideration and the map that was available at the meeting for the 1985 annexation. His motion was seconded by Mr. Keller. Brief discussion took place on the small areas that are almost completed surrounded by the City and why they had not been annexed prior to this. The motion was put to a roll call vote which passed unanimously. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-431

A RESOLUTION IDENTIFYING THE AREAS WHICH ARE UNDER CONSIDERATION FOR ANNEXATION BY THE CITY OF RALEIGH, NORTH CAROLINA

WHEREAS, N.C.G.S. 160A-49(37)(i) provides that a Resolution of Consideration must be adopted by the City Council at least one year prior to the resolution of intent to annex in order to begin the City initiated annexation procedure. The area described under the Resolution of Intent may comprise a smaller area than that identified by the Resolution of Consideration. The Resolution of Consideration may have a metes and bounds description or a map and shall remain effective for two years after adoption and shall be filed with the City clerk; and

WHEREAS, the City Council has considered several areas for the purpose of possible annexation within the next two years;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

Section 1. That all the areas identified as being under consideration for annexation for the next two years are shown on the attached map entitled, "Area of Consideration for Annexation '85 - '86, which is hereby incorporated by reference into this resolution.

Section 2. That this resolution shall become effective immediately following its adoption.

Adopted: January 17, 1984

LOBBYING AND PROMOTION PROGRAM - VARIOUS ACTIONS APPROVED - ITEM RETAINED IN COMMITTEE

The Committee recommends approval of the following:

(1) The Research and Information Office should prepare a welcoming packet of information to be mailed to legislators before the start of each session.

(2) The City should sponsor a reception at the Civic Center in honor of the incoming legislators. Details of this reception will be worked out by Administration.

This item is being held in Committee for further study. On behalf of the committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.
THE CITY COUNCIL TOOK A RECESS BETWEEN 2:50 and 3:00 P.M.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NORTHWEST CAC RECOMMENDATIONS - REMOVED FROM THE AGENDA WITH STIPULATIONS

Ms. Babb reported the committee recommends that this item be removed from the Agenda with no action taken with the understanding that the comments will be considered with the District Plan Update as well as the three-year shopping center re-evaluation and additional input from RCAC on the Land Use Update. On behalf of the committee, she moved the recommendation be upheld. Her motion was seconded by Mr. Congleton. Brief discussion took place on when the three-year Shopping Center review will occur. After which the motion, as stated, was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

COMPREHENSIVE PLANNING COMMITTEE - STATUS REPORT ON PENDING ITEMS - INFORMATION RECEIVED

Ms. Babb indicated Council Members received in their Agenda packet a memo giving a brief status report on the following items: 19 - Central Planning District Plan; 42 - West/Southwest District Plan; 43 - Update of Shelley Park and Greenway Master Plan; 44 - Northwest Planning District Plan; 51 - Subdivision S-133-83 - Salem Woods. She indicated this report is for information only and to comply with the 90-day sunset provision. The item was received as information.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

CD LOAN AND GRANT - 404 BLEDSOE AVENUE - APPROVED; UNFIT BUILDING 404 BLEDSOE AVENUE - REFERRED TO LAW AND FINANCE COMPANY FOR MONITORING

The following Community Development rehabilitation loan and grant application has been researched and reviewed according to administrative procedures and is recommended for City Council approval.

Case Number: B-80-MC-028
David M. and Pauline H. McCloud
404 Bledsoe Avenue
Loan Amount: $18,000
Grant Amount: 9,000
Total Amount: $27,000

On November 15, 1983, the Council adopted an ordinance to placard this building with the effective date of January 18, 1984. This action was taken to allow time for the owner to apply for a CD loan and grant.

Recommendation: It is recommended that the specified loan and grant be approved and that the ordinance directing the placarding of the structure be placed in an appropriate committee to monitor the progress of the rehabilitation work.

Mr. Walters moved approval of the loan and grant application and referral of the unfit building to Law and Finance Committee for monitoring. His motion was seconded by Mrs. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

CIVIC CENTER HOME AND GARDEN SHOW - AGREEMENT WITH HOME BUILDERS ASSOCIATION - APPROVED

For the 1984 show, the City is working with the Home Builders Association of Raleigh and Wake County to provide the display units. This is consistent with the approach used in the 1983 Home and Garden Show.

An agreement has been negotiated to provide for the participation of the Home Builders Association with the City in the presentation of this project. A copy of the proposed agreement is included in the Council Members' Agenda packet.

In summary, the agreement provides for the Home Builders Association to build nine ultra design rooms, provide all materials and labor for construction, and recruit members to fully furnish the rooms. In exchange, they would be paid $15,000 and 50 percent of the net profits after all expenses.

Recommendation: It is recommended that the proposed agreement with the Home Builders Association be approved. Mr. Benton briefly explained the agreement. Mr. Walters moved administration's recommendation be upheld. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

GENERAL REVENUE SHARING - HANDICAPPED ROAD REGULATIONS - CONCURRENCE APPROVED

The passage of the legislation extending General Revenue Sharing added requirements that cities must follow in the area of access for handicapped individuals.

Administration has just recently received information about these new Revenue Sharing regulations regarding discrimination because of handicapped status. These regulations require the issuance of public notice relating to the City's policy of not discriminating against handicapped persons by January 17, 1984. Also required is a "self-evaluation" and implementation of needed nonstructural changes by October 17, 1984, and the implementation of needed structural changes by October 17, 1986. By January 17, 1984, the City is required to designate a responsible employee to coordinate this effort.

Administration has taken the following actions to comply with the regulations in accordance with the required time schedule:

1. Public notice has been given that it is the policy of the City not to discriminate on the basis of handicapped status. (Details were included in Agenda back-up material.)

2. The Director of Human Resources has been designated as the person responsible for coordinating efforts to comply with the handicapped regulations of the Revenue Sharing legislation.

3. The Human Resources Director has been given the assignment of preparing a work plan for the "self-evaluation."

Recommendation: Council concurrence with the public notice is recommended. It is expected that the "self-evaluation" will be undertaken and a report submitted to the City Council for consideration at a subsequent date. City Manager Benton briefly explained the item. Mr. Congleton moved that the Council concur with the public notice as outlined. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PUBLIC SEWERS - CODE AMENDMENT AUTHORIZED

The existing City Code Section 8-2118, "depositing substance into manholes," reads as follows: No substance, neither solid or liquid, shall be put into the public sewers of the City at any manhole or in any other way than through a proper connection.

Several instances have arisen recently as a result of the failure of small privately owned and operated sewer pumping stations in the City that necessitate temporary removal of wastewater from that pumping station and discharge of it into the sanitary sewer system of the City in the same general location as it would be discharged were the pumping station operative. Under the existing City Code, this would not be allowable.

Recommendation: It is proposed that Section 8-2118 of the City Code be amended by the addition of the words "unless permitted in writing by the Public Utilities Director to mitigate a public health hazard."

City Manager Benton indicated we have had some problems with privately owned pumping stations which necessitated draining for repair and this amendment would allow the Public Utilities Director to give permission for them to be drained in the public sewers. Ms. Block indicated she has concern about this as it indicates several instances have occurred and she feels it would be better if we did not have pump stations. City Manager Benton indicated these are private pump stations on private property that were installed because of topo. Ms. Block moved approval of the code amendment as outlined. Her motion was seconded by Ms. Babb and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 269

AN ORDINANCE TO AMEND CHAPTER 8 OF THE CODE OF THE CITY OF RALEIGH ENTITLED PUBLIC UTILITIES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 8-2118 of the Code of the City of Raleigh be amended by adding the following wording:

"unless permitted in writing by the Public Utilities Director to mitigate a public health hazard."

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective upon the date of adoption.

Adopted: 1/17/84

PARKS AND RECREATION DEPARTMENT - POOL MAINTENANCE DIVISION - APPROVED - FUNDS APPROPRIATED

The Parks and Recreation Director has requested an additional position to provide for the on-going maintenance of the City pools. The present staffing of a pool system supervisor and one maintenance worker is not adequate to provide for the full range of maintenance, repairs, and operating oversight for the pools. The Parks Division personnel have been providing temporary staffing to meet these requirements.

It is requested that one additional position be authorized which would be an Aquatic Maintenance Technician at Pay Grade 30 ($15,242 - $20,427). To provide a full-time crew of three maintenance personnel, it is proposed one Building Maintenance Worker position be transferred from the Parks Division to the Revenue and Special Facilities Division to eliminate the need for temporary staff assignments from the Parks Division.

Funds are available in the Salaries Account of the Revenue and Special Facilities Division to fund the Technician position for the remainder of this year.

Recommendation: It is recommended that the Technician position be approved at Pay Grade 30, and that one Building Maintenance Worker be transferred from the Parks Division with the following budgetary action:

Transferred From:		
01-2-6020-0100	Salaries - Parks Division	$5,500
Transferred To:		
18-2-1000-0100	Salaries - Revenue and Special Facilities Division	$5,500

City Manager Benton explained we now have five pools in operation and two under contract. He stated we need assistance more than full-time and need a maintenance staff so that we can be assured that the pools are properly maintained at all times, pointing out he feels that preventive maintenance is necessary. He briefly explained the recommendations. Mr. Walters moved approval of the recommendations as outlined. His motion was seconded by Ms. Babb. Brief discussion took place on the four-year cost for next year with Mrs. Cates pointing out this goes along with the wishes of the City Council that we maintain what we have. She stated she feels this is essential with Mr. Keller pointing out he understands this would be full-time year round maintenance and that should improve the problems or alleviate many of the problems just prior to the pool openings, pointing out he feels the preventive maintenance is much better than the "fire call" type maintenance we have been doing. The motion, as stated, was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 264 ZC 132.

ADMINISTRATIVE ORGANIZATIONAL STRUCTURE - RECOMMENDED CHANGES - REFERRED TO WORK SESSION

City Manager Benton indicated during the past several months a number of activities have occurred that necessitated a review of the administrative structure of the City organization. He indicated some of these include the following:

1. The consultant's report of Public Administration Service recommended that the City review its management structure to address the growth in functions being handled by the organization and the appropriate management structure. The City Council referred this report to Administration for further review.
2. The City Council directed administration to, "consider the organizational requirements for management and budgeting systems along with other organizational changes which are under consideration and prepare specific recommendations for implementation."

3. As part of the Economic Policy approved by the City Council, administration was directed to determine the appropriate organizational structure for addressing the economic development of the City.

4. Development activities have been in a continual escalation. Building permits and subdivision plans are much greater in number. New development issues confront the City such as Perry Creek-Neuse Basin, Falls Lake and Turkey Creek. Preparation of a southeast Raleigh development plan is a top priority of the City. The City's role in establishing guidelines for development is critical in these new areas.

5. Commitment to downtown development is resulting in a growing responsibility for the City as the "developer" which places the City in a pro-active position.

To address these conditions, the following proposals are recommended:

A. Establishment of an office of budget and administration to be staffed by the creation of two additional positions:

Assistant City Manager - Grade 46
Budget Analyst - Grade 36

An existing Budget Analyst position would be transferred to this office.

B. Establishment of an Economic Development unit to be located in the Planning Department and staffed by the creation to two additional positions:

Economist-planner
Planning Technician - Grade 30

The actual pay grade for the economist position if being reviewed. It is expected to be in the same range as a Planner II which is Grade 36.

C. To provide additional personnel needed for existing work load growth, in the Planning Department, it is recommended that two additional positions be approved for a Drafter (Grade 25) and Planning Technician (Grade 30), and that one existing position of Planner I be reclassified to a Planner II.

These recommendations would provide for the management resources to implement the policies being pursued by the Council. It should also be noted that a reorganization of the Planning staff is being undertaken to provide a structure which is better focused on the major issues being considered by the City. With the approval of the above noted positions, it will be possible to move forward with this internal re-structuring process. However, it may be necessary to reclassify several positions and this will be reviewed by the Personnel Department. If such is justified, this information will be brought to the Council for consideration. Attached are two charts which indicate the restructuring which is being considered.

The financial impact of the proposed recommendations are noted below:

A.	Assistant City Manager	
	Pay Range $33,273 - $49,157	
	Estimated for remainder of FY 83-84	16,851
	Budget Analyst	
	Pay Range $20,427 - $28,742	
	Estimated for reminder of FY 83-84	10,000
		26,581
B.	Economist Planner	8,000
	Planning Technician	
	Pay Range $15,242 - $20,427	5,715
		13,715
C.	Drafter	
	Pay Range $11,943 - $16,005	3,980
	Planning Technician	
	Pay Range $15,242 - $20,427	5,080
		9,060

City Manager Benton briefly explained his proposal indicating our administrative focus seems to be divided into many ways. He indicated Raleigh will be looking at our planning and development as a key area of concern in the future and we will be looking at the budget, planning, monitoring and we need to continue deliver of service and operation. He explained why he is making these particular recommendations briefly pointing out the theory and the thoughts behind each recommendation. Mayor Upchurch indicated Mr. Benton had told him he was going to present this proposal todate and he would like to carry it over for a vote at the each meeting. He stated he would open it up for discussion now and we could place it on the Agenda for decision at the next meeting. Ms. Block pointed out we have only two items on Work Session and maybe Council Members could have an opportunity to look over this and discuss it at Work Session and vote on it next time. Brief discussion took place and by general consensus, it was agreed to refer the item to Work Session for discussion on Thursday with the understanding that action would be taken at the next Council Meeting.

CABLEVISION - ITEM REFERRED TO TELECOMMUNICATIONS COMMISSION

City Manager Benton presented Council Members with an update on the cable issue and the problems involving ESPN and Season Ticket. He indicated a letter had been sent to Cablevision and a response was received from Cablevision that indicated that they could not comply with the City Administration's request because of contractual obligations with ESPN and federal copyright obligations. He indicated he met with the City Attorney and the Cable Administrator and he feels that this raises a number of issues that should be considered by the Telecommunications Commission, since Administration has been unable to resolve the issues. Mr. Walters moved that the item be referred to the Telecommunications Commission. His motion was seconded by Mr. Keller.

Mr. Congleton indicated he had had a number of calls regarding this and the concern he has is the time frame we are dealing with on the issue. He pointed out in six weeks this would be a mute point as the basketball season would be over. He stated the thing we are talking about has occurred in other cities such as Wilmington and he would imagine these other cities would have the same problems. He indicated maybe some citizens should file on behalf of themselves or on behalf of the City in court.

He indicated he feels that these questions should be addressed as well as other issues that have come up on the pay programming on open channels. City Attorney McCormick indicated one of the concerns he has is how we have come up with what seems to be a pay service on a channel not designated for a pay service. Lengthly discussion took place on Season Ticket, how Season Ticket came about, what is happening in other cities, the time frame, etc. Mayor Upchurch indicated he feels we have a situation in which the Universities in the ACC Conference entered into an agreement and there are other people involved other than Cablevision. He stated, in his opinion, he believes ESPN was attempting to do something here that was a test for a pilot program throughout the country. Ms. Babb indicated she wanted to express concern and suggest a course of action. She indicated she was sure all Council Members have received a number of calls and there are many culprits other than Cablevision of Raleigh in this issue, pointing out she uses the word culprit advisely. She stated, in her opinion, Cablevision has let us down by not protesting this action and now they are saying what can we do. She indicated she feels everyone is aware that she was opposed to Cablevision of Raleigh receiving the franchise, but that is beside the point at this time. She stated now that they have a franchise, she sees them as being responsible in protecting the citizens interest and while there may be other culprits involved in this issue, Cablevision of Raleigh is the one we have the contract with. She indicated perhaps the City had not been as observant as we should have, but she feels that the Council should take some action to say that we are protecting the City and the citizens' interest. She pointed out the Telecommunication Commission meets on Wednesday and they will be able to deal with this issue, but she feels that maybe the City Council should send to the Cable Commission a sense of the City Council's resolution on this matter. Therefore, she would suggest that the matter be referred to the Telecommunications Commission and indicate to the Commission that the Council feels that this is a very serious problem that needs to be dealt with immediately and ask that they develop a recommendation to be sent to the Council with Council action to follow and also consider one of the course of actions that is a possibility is the City going to court on behalf of the City to guarantee that our citizens will have have other cities have available to them as far as Cable service is concerned. Mr. Congleton indicated we do not meet until three weeks from now and that is half of the time of the remaining basketball season. Mayor Upchurch indicated once the Telecommunications Commission has considered this item if he sees the report needs City Council attention, he would be glad to call a meeting. Brief discussion took place and Ms. Babb amended her motion to indicate that the City Council would hold a special meeting on January 26 at 3:00 p.m. to consider the recommendation from the Telecommunication Commission. Her motion was seconded by Mr. Congleton.

Discussion took place as exactly what is causing the problem with City Attorney McCormick indicating he would not recommend going to court at this point as there is a lot that needs to be studied and looked such as what constitutes ESPN service, look at the provisions of the various contracts, etc. He explained what is occurring in Season Tickets relates to blacking out of certain ball games, etc. He indicated the question that really bothers him is that we had a break down in our system which allows what seemed to be a pay service on this particular channel. He indicated before the Council hastily took action to authorize a suit, he would like to have the opportunity to further investigate this matter. Mr. Congleton indicated it seems to him as if we have two issues. One, the immediate problem of the Season Ticket and the second is the question outlined by the attorney. He questioned is it possible for the City Attorney to look at this information and give a brief report to the Council at Work Session on Thursday. After which, this was agreed to and the motion was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

Later in the meeting it was reported that Raychom has cancelled all of the Season Ticket games and has dropped everything after tonight there will be no Season Ticket and all of the money people has paid for Season Tickets will be refunded. It was reported the games remaining would be blacked out everywhere. The Council received this information but agreed to take no action to resciend their previous action until the attorney had had an opportunity to verify this report, etc.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

BOARD OF ADJUSTMENT - CITY ATTORNEY AUTHORIZED TO REPRESENT

City Attorney McCormick indicated he would like the City Council's permission to represent the Board of Adjustment relating to a case that has been filed in which the Board of Adjustment granted a limited home business for a one chair beauty shop. He indicated, in his opinion, the Board of Adjustment made the proper decision and they were in support of the Chief Zoning Inspector's recommendation. Therefore, he would like permission to represent them in this appeal. Ms. Block moved the attorney's recommendation be upheld. He motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MILLBROOK ROAD CROSSING - SEABOARD SYSTEM RAILROAD - ENCROACHMENT AGREEMENT AUTHORIZED

City Attorney McCormick indicated he has received an agreement for the proposed 24-inch water main extension on Millbrook Road crossing the railroad at Mile Post S-151 and he would recommend adoption of this encroachment agreement. Mr. Congleton moved the attorney's recommendation be upheld. His motion as seconded by Ms. Cates and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 262 TF 13

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 21, 1983, and included in the budget for the fiscal year ending June 30, 1984, be transferred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 37-2-1000-0100	Council Reserve	$ 3,300.00
To 37-2-2430-0210	Methodist Home Plan	3,300.00
Purpose: Architectural fees for master plan development of Fred Fletcher Park.		
From 38-2-2030-0100	L. Johnson/East Raleigh Pools	$115,000.00
38-2-2030-104	L. Johnson/E. Raleigh Pool D	95,000.00
To 38-2-2030-0102	L. Johnson/E. Raleigh Pool B	95,000.00
Purpose: To establish accounts for architectural fees and misc. expenses for two pools. Misc. to include borings, survey, prints,soil tests, advertising.		
From 30-2-3000-0104	Misc. Boylan Ave. Bridge	$ 7,500.00
32-2-4494-0104	Misc. PW 1982-1	27,900.00
32-2-5020-0103	R/W North Hills Drive	10,600.00
32-2-1000-0100	Council Reserve	24,906.25
To 30-2-3000-0201	Utilities Railroads	70,906.25
Purpose: To provide funds to pay Southern Railroad and Seaboard Railroad for flagmen during extension of time granted on the Boylan Avenue Bridge.		
From 01-2-6020-0100	Salaries	$ 5,500.00
To 18-2-1000-0100	Salaries	5,500.00
Purpose: To move salary funds for Building Maintenance Worker for Aquatics Maintenance Crew from Parks Division to the proper Amusement Budget account.		
From 01-2-1040-0001	Council Contingency	$ 200.00
To 32-2-4495-0104		200.00
Purpose: To pay for charges relating to R. R. Encroachment Agreement - Millbrook Road.		

Adopted: 1/17/84

RESOLUTION NO. (1984) 433

Be it resolved by the City Council in regular meeting assembled that the Mayor of said City be, and he hereby is, authorized to enter into an agreement with the SEABOARD SYSTEM RAILROAD, INC., and to sign same on behalf of said City whereby said Railroad grants unto said City the right or license to install and maintain that certain 24-inch water pipeline under Railroad's track and across Railroad's right-of-way at or near Raleigh, North Carolina, as more particularly described in said agreement dated November 21, 1983, a copy of which agreement is filed with this City Council.

YORK-HANNOVER COMPANY - ONE HANNOVER SQUARE/PARKING FACILITY - MAYOR AUTHORIZED TO SIGN AGREEMENT

City Attorney McCormick explained a few weeks ago the City Council approved in concept a supplemental agreement with York-Hannover Company relating to construction of parking facilities to be built in association with One Hannover Square. City Attorney McCormick indicated he and City Manager Benton met with officials of York-Hannover Company on January 16 to finalize the details of the agreement and he and the City Manager recommend that the City Council approve the agreement and authorize the Mayor to sign it on behalf of the City. Ms. Babb moved approval of the agreement and authorization for the Mayor to sign it on behalf of the City. The motion was seconded by Mr. Keller and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 445A

A RESOLUTION OF INTENT TO CONSIDER CLOSING PORTIONS OF CABARRUS STREET AND THE RADISSON HOTEL ACCESS ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING.

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North Carolina General Statutes 160A-299, intends to close permanently the following street right-of-way:

Tract One: Beginning at a point in the former northern technical property line of Cabarrus Street (now closed), said point being located South 83 degrees 15 minutes East 75.83 feet (measured along said former northern technical property line of Cabarrus Street) from the point of intersection of the eastern technical property line of South Salisbury Street with said former northern technical

property line of Cabarrus Street; thence North 06 degrees 45 minutes East 96.56 feet to a point; thence South 83 degrees 15 minutes East 44.50 feet to a point; thence South 06 degrees 45 minutes West 96.56 feet to a point in said former northern technical property line of Cabarrus Street; thence with said former northern technical property line of Cabarrus Street North 83 degrees 15 minutes West 44.50 feet to the point of beginning, and being the land designated as "Abandoned Service Drive, Parcel A" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina", dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Two: Beginning at the point of intersection of the eastern technical property line of South Salisbury Street with the southern right-of-way line of the dedicated street located in front of the Radisson Plaza Hotel (See Book of Maps 1982, Page 853, Wake County Registry); thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 0.5 foot to a point; thence South 83 degrees 15 minutes East 31.83 feet to a point, thence South 06 degrees 45 minutes West 0.5 foot to a point; thence North 83 degrees 15 minutes West 31.83 feet to the point of beginning, and being the land designated as "Abandoned Service Drive Parcel B" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina", dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Three: Beginning at the point of intersection of the eastern technical property line of South Salisbury Street with the former southern technical property line of Cabarrus Street (now closed); thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 18.56 feet to a point; thence South 83 degrees 15 minutes East 68.83 feet to a point; thence South 67 degrees 18 minutes 17 seconds East 7.28 feet to a point; thence North 06 degrees 45 minutes East 49.44 feet to a point in the former northern technical property line of Cabarrus Street; thence with the former northern technical property line of Cabarrus Street, South 83 degrees 15 minutes East 64.17 feet to a point; thence South 06 degrees 45 minutes West 66 feet to a point in the former southern technical property line of Cabarrus Street; thence with the former southern technical property line of Cabarrus Street, North 83 degrees 15 minutes West 140 feet to the pint of beginning, and being the land designated as "Abandoned Easement Area, Parcel C" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus and Wilmington Streets, Raleigh, North Carolina", dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Four: Beginning at the point of intersection of the eastern technical property line of south Salisbury Street with the former northern technical property line of Cabarrus Street (now closed); thence with the former northern technical property line of Cabarrus Street, South 83 degrees 15 minutes East 31.83 feet to a point; thence South 06 degrees 45 minutes West 7.44 feet to a point; thence North 83 degrees 15 minutes West 31.83 feet to a point in the eastern technical property line of South Salisbury Street; thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 7.44 feet to the point of beginning, and being the land designated as "Abandoned Easement Area, Parcel D" on map entitled "Survey for York Hannover (Raleigh), Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina", dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the streets referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, July 17, 1984, in the Council Chamber, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above-named streets.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 1/17/84

REPORT OF MAYOR AND COUNCIL MEMBERS

ART EXHIBITS - NEW BUILDING - REFERRED TO THE MUNICIPAL BUILDING COMMITTEE

Mayor Upchurch indicated in the past, the Building Committee has discussed art exhibition in the new building and he would like to refer to the Building Committee an item relating to art exhibits as it needs to be considered as the building is about to be complete. Without objection, the item was referred to the Municipal Building Committee.

APPEARANCE COMMISSION - MR. CONGLETON APPOINTED AS LIAISON

Mayor Upchurch indicated during the last meeting he had intended to appoint Mr. Congleton as the City Council liaison to the Appearance Commission; however, Mr Congleton was appointed as liaison to the Greenway Commission. He indicated he would like to resciend the previous action of appointing Mr. Congleton as liaison to the Greenway Commission and appoint him as liaison to the Appearance Commission. Without objection, the action was taken.

GREENWAY COMMISSION - INVITATION - ANNOUNCED

Mayor Upchurch indicated he understands the Greenway Commission would like to serve a light dinner to the Council between the afternoon and night session of the February 7, 1984 Council Meeting. He indicated this would be held at the Tucker House and they would provide the dinner, transportation there and back. The item was received as information.

DOROTHEA DIX - LETTER ACKNOWLEDGED

Mayor Upchurch indicated he would to publicly acknowledge a letter from Dr. Sarah Morrow relative to the Dorothea Dix hospital property. The item was received as information.

COUNCIL WEEKEND WORK SESSION - AGENDAS PRESENTED

Mayor Upchurch presented Council Members with a final Agenda for the February Work Session scheduled for the Council. The Agenda was received without comment.

PERSONNEL - CITY CLERK GRANTED HALF STEP MERIT INCREASE

Mayor Upchurch indicated he would like to discuss an item of personnel relating to the outstanding service of an employee of the City Council. He indicated when the budget was adopted last year, the City Council implemented a new half step increase for persons who had reached the top of their pay grade and who were deserving of a merit increase. He indicated the City Clerk is eligible for the half step increase effective January 11. He indicated he feels the Clerk has done an excellent job and is an outstanding employee and he is presenting this with the recommendation of approval. He gave the figures on the Clerk's present salary and what the 2½% merit increase would be. Mr. Walters indicated because of the outstanding service of the City Clerk he would move approval. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MAYOR - TO BE ABSENT FROM PART OF THE JANUARY 19 WORK SESSION

Mayor Upchurch indicated he will be absent from a portion of the January 19 Work Session as the North Carolina League of Municipalities Board of Directors will be meeting. He stated he would be at the beginning of the Work Session, but ask Mr. Walters to chair the meeting when he has to leave.

STREET IMPROVEMENT - SHERMAN STREET - STATUS REPORT REQUESTED

Mr. Keller questioned the status of the improvements to Sherman Street. He indicated improvements were approved approximately one year ago; however, no work has been completed. Administration was asked to provide a status report.

SEWER AGREEMENT - TOWN OF APEX - ADMINISTRATION TO PROVIDE REPORT

Ms. Babb questioned the status of our agreement with the Town of Apex in handling of their sewage, pointing out as she understands it they are approaching capacity. City Manager Benton indicated we do have a contract with Apex to treat wastewater with limits in terms of daily maximum flow as well as maximum limit. He indicated Apex is having problems with maximum day limits which are necessary because of the Walnut Creek outfall capacity. He indicated he was aware that they were some of the problems and the City Administration has been suggesting ways to Apex to help them in reducing their daily maximum flow. He indicated he would happy to provide a detailed report and update. Brief discussion took place on the agreement with Apex and the terms of that agreement.

PERSONNEL - UTILIZATION OF PART-TIME HELP - ADMINISTRATION TO PROVIDE REPORT

Mr. Congleton indicated he would like to request information as to how the City deals with part-time work and if we allow part-time work, split days, etc. He stated he would just like information on the City's policies.

SUBDIVISION S-101-83 - PUBLIC IMPROVEMENTS - REFERRED TO LAW AND FINANCE COMMITTEE

Mr. Congleton indicated a developer contacted him relative to Oak Run Townhouses (Subdivision S-101-83 - CR-2062). He indicated this development is on Bashford Road and he had questions about it with regard to the punch list and some other things relative to this particular development. He stated he would like to refer this subdivision to Law and Finance Committee and allow the developers to come before the committee and explain their positions. Without objection, the item was referred to Law and Finance Committee.

WATER PROBLEM - 2404 LAWRENCE DRIVE - REFERRED TO PUBLIC WORKS COMMITTEE

Ms. Block indicated there is a water problem relating to a new development in the Pleasant Ridge area pointing out water is running down from a new development onto property at 2404 Lawrence Drive. She asked that this matter be referred to Public Works Committee. Without objection the item was so referred.

PRIVILEGE LICENSE - THE BREWERY - ADMINISTRATION TO GIVE REPORT

Ms. Block indicated she had received a report from the Police Department relating to privilege licenses on which they had recommended approval. She stated one related to The Brewery at 3009 Hillsborough Street. She questioned if our entertainment license ordinance did not carry a radius requirement pointing out the problems on Hillsborough Street seem to be shifting to the 3000 block. She questioned if the license for The Brewery has been approved or the status. Without objection, Administration was asked to give a report.

BOARD OF ADJUSTMENT - OPERATIONS - REFERRED TO LAW AND FINANCE COMMITTEE

Ms. Block questioned if the Board of Adjustment makes on-site inspections and indicated that maybe Board of Adjustment needs direction from the Council on this matter. She indicated she knew there were a number of cases such as small variances, etc. in which an on-site inspection is not needed. But in most of the cases she sees the need and maybe the Board would like some direction. She stated as a matter of policy she would like to suggest that the Board of Adjustments do make on-site inspections and that the City provide transportation for them to look at the cases. Ms. Babb indicated she feels that it is a legitimate point, but pointed out lately the Board of Adjustment has come to the Council for guidance on several things. She stated maybe we could refer the operation of the Board of Adjustment to Law and Finance Committee and may be review the Board of Adjustment operation to see if there are any adjustments that the Council needs to make or any suggestions the Board have that would make their work easier. Without objection, the item was referred to Law and Finance Committee.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES - DECEMBER 20, 1983 AND JANUARY 3, 1984 - APPROVED AS PRESENTED

The City Clerk indicated Council Members received copies of the minutes of the December 20, 1983 and January 3, 1984 Council Meeting. There being no corrections Mr. Walters moved approval of the minutes as presented. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

TAXES - REBATES AND/OR REFUNDS - RESOLUTIONS ADOPTED; CITY CLERK TO GIVE REPORT ON PROPOSED RELIEF FOR NOLAND COMPANY AND JOHN PETER SCAVONE

The City Clerk indicated Council Members received in their Agenda packet three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Approval is also recommended for the listing as submitted by the Wake County Supervisor for refunds made during November for clerical error purposes only. Ms. Block questioned the proposed resolution relating to refunds or relief for the Noland Company and Mr. Scavone, pointing out the amount seemed very large and there are a number of years involved. The City Clerk explained the procedure for the recommendations on the tax rebates and/or refunds. Ms. Block indicated she would like to have information on these two items and why the tax committee had recommended refunds. She stated she would move approval of the other two proposed resolutions and listing submitted by the Wake County Supervisor, but asked the Clerk to provide information on the third proposed resolution. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 434

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	Blue Ridge Information Systems, Inc.	01-1-5222322	$197.30	Error
1983	Jasper, William Jacob	11-8-5419960	59.62	Error
1983	John Deere Leasing Co.	01-1-5212527	24.32	Error

1981	McCann, Patrick Joseph Jr.	01-2-5774540	86.09	Error
1981	McCann, Patrick Joseph Jr.	01-8-5774541	86.09	Error
1982	Nickerson Fleet Mgmt., Corporation	01-1-5099186	323.13	Error
1983	Peterson, D. L. Trust	01-1-5023292	139.37	Error
1983	Peterson, D. L. Trust	17-7-5182215	46.83	Error
1983	Rose, Abram Hewitt	01-2-5435065	23.73	Error
1983	Williams, Garland Van & Susan M.	01-2-0048952	34.20	Error

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the Raleigh City Council.

RESOLUTION NO. (1984) 435

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N.C. General Statutes 105-278.3, exemption from taxation was available for the property owners, listed below; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1983	Church of Christ	$60,980	Approved

Section 2. That the City/Council Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council

Adopted: 1/17/84

ANNEXATION - MAGNOLIA RUN - CITY CLERK TO SUFFICIENCY AND SCHEDULE PUBLIC HEARING

The City Clerk indicated a petition has been received for the contiguous annexation of approximately eight acres off Lynn Road known as Magnolia Run. The next step if the Council so desires, would be to direct the City Clerk to check the sufficiency of the petition and schedule a public hearing if the petition is sufficient. The City Clerk pointed out that normally this item appears under Requests and Petitions of Citizens. She stated this is the first step in a petitioned annexation and by law she has to come to the Council to request permission to check sufficiency of the petition. She stated, therefore, no one from the public would be at this meeting. Therefore, she has switched it from Requests and Petitions of Citizens and these petitions would be under the Clerk's section if there is no objection from Council. Ms. Babb moved that the Clerk be directed to check the sufficiency of the petition for annexation of Magnolia Run and schedule a public hearing if the petition is found to be sufficient. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

PRELIMINARY ASSESSMENT ROLLS - VARIOUS - RESOLUTION ADOPTED

The City Clerk presented the following preliminary assessment rolls which are recommended for adoption which would set a public hearing to consider confirmation of the cost during the February 21, 1984 Council Meeting: Sidewalk AR 196 - Camelot Drive; Sidewalk AR197 - Lassiter Mill Road; Sidewalk AR198 - Lake Boone Trail.

Mr. Keller moved adoption of the preliminary assessment rolls as outlined. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 436

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 196

WHEREAS, by Resolution No. 1982-835 adopted by the City Council on February 16, 1982 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on the west side of Camelot Drive from Rowan Street to Dartmouth Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $6,782.36.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Elizabeth Ashcroft	1	0002385	1	4301 Camelot Dr.	$417.20
Frances Steele	2	0067086	2	4307 Camelot Dr.	$420.00
Nicholas & Ann Babyak	3	0002948	3	4313 Camelot Dr.	$420.17
George & Helen Lattimore	4	0040802	1	4401 Camelot Dr.	$393.75
Johnie & Mary Farmer	5	0021669	2	4407 Camelot Dr.	$350.00
Matt & Bertha Gardner	6	0011232	3	4413 Camelot Dr.	$262.50
Charles & Leila Brownfield	7	0009305	4	4417 Camelot Dr.	$286.65
Raymond & Tora Kreiner	8	0045155	5	4423 Camelot Dr.	$288.40
Harold & Elizabeth Landrum	9	0040354	2	26 E. Rowan Street	$514.22
W. Perry & Ann Calhoun	10	0078408	20	4300 Camelot Dr.	$403.20
Janice E. Stewart Hinson	11	0023650	21	4306 Camelot Dr.	$315.00
James & Nancy Dotson	12	0004924	22	4310 Camelot Dr.	$280.00
Olivia G. Carroll	13	0011861	23	4314 Camelot Dr.	$285.25
William Lee Cromwell, Heirs	14	0016089	24	4318 Camelot Dr.	$281.75
George & Joyce Causby	15	0012490	1	100 Reynolds Rd.	$368.55
Richard & Lois Pierce	16	0055453	2	101 Reynolds Rd.	$506.10
Virginia H. Jeffreys	17	0035241	1	4416 Camelot Dr.	$472.50
Edward & Alicia Ceroa	18	0057657	3	100 E. Rowan St.	$517.12

Cost Per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 196 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 21st day of February, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 1/17/84

RESOLUTION NO. (1984) 437

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 197

WHEREAS, by Resolution No. 1983-205 adopted by the City Council on April 5, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefor;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of approximately 130 feet of sidewalks on Lassiter Mill Road from the end of existing sidewalks east to Camelot Drive.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $1,001.87.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
George & Helen Lattimore	1	0040802	1	4401 Camelot Dr.	$477.75
Nicholas & Ann Babyak	2	0002948	3	4313 Camelot Dr.	$524.12

Cost per foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 197 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 21 day of February, 1984 at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 1/17/84

RESOLUTION NO. (1984) 438

RESOLUTION DECLARING COST AND PRELIMINARY ASSESSMENT ROLL

SIDEWALK ASSESSMENT ROLL NO. 198

WHEREAS, by Resolution No. 1983-188 adopted by the City Council on March 1, 1983 the local improvements hereinafter referred to were authorized and directed pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, and Section 105 of Chapter 1184, Session Laws of North Carolina of 1949, as amended, as applicable; and

WHEREAS, the local improvements have been completed and it is the duty of the City Council to make an assessment of the cost thereof against the property assessable therefore;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the local improvements described as follows have been completed: Installation of sidewalks on the north side of Lake Boone Trail from 120 feet west of Still Forest Place to approximately 200 feet east of Blue Ridge Road.

Section 2. That the cost of the above described improvements, exclusive of so much of the total cost as was incurred at street intersections, has been computed and determined and is hereby declared to be $9,202.54.

Section 3. That the City Council hereby makes an assessment of the cost of the local improvements herein referred to, pursuant to Article 10 of Chapter 160A, General Statutes of North Carolina, against the lots and parcels of land abutting on both sides of the street. The basis for the assessment is front footage.

OWNERS ASSESSED	LOT NO.	PROPERTY I.D. NO.	SUBDIVISION LOT NO.	LOCATION OF IMPROVEMENT	AMOUNT ASSESSED
Rex Hospital Trustees	1	0099001	-	4420 Lake Boone Tr.	$3,927.38
City of Raleigh	2	0087056	-	4220 Lake Boone Tr.	$ 416.43
Landmark of Raleigh	3	0021351	-	Lake Boone Tr.	$ 126.00
NCNB as Trustee of NCNB Real Estate Fund	4	0049026	-	2500 Blue Ridge Rd.	$ 962.50
James C. Morgan	5	0048992	B	4329 Lake Boone Tr.	$ 374.50
Everett H. Morgan	6	0048961	A	4325 Lake Boone Tr.	$ 420.00
William C. Doyle	7	0018833	1	4301 Lake Boone Tr.	$ 703.50
Walter E. Nance, Jr.	8	0050071	2	4211 Lake Boone Tr.	$ 682.50
Mary E. Doyle	9	0018828	-	4207 Lake Boone Tr.	$ 682.50
James W. & Pamela Doyle, Jr.	10	0098999	1	4205 Lake Boone Tr.	$ 283.50
James W. & Alma Doyle	11	0019634	2	4109-4115 Lake Boone Tr.	$ 518.73

Nancy Ann Wright	12	0079928	-	Lake Boone Tr.	$ 105.00

Cost Per Foot: $3.50

Section 4. That the terms and manner of payment of assessments herein provided for shall be as follows: that said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statutes of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessment in ten (10) equal installments, such installments to bear interest at the rate of six per cent (6%) per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 5. That this Assessment Roll No. 198 is hereby ordered filed in the office of the City Clerk and Treasurer of the City of Raleigh for public inspection.

Section 6. That a public hearing will be held on the 21st day of February, 1984, at 7:00 p.m. in the Council Chamber, Municipal Building in the City of Raleigh, North Carolina (or at such time and place to which the meeting of the City Council may be adjourned) for the purpose of hearing all interested persons in respect to the special assessments made by this resolution; and the City Clerk and Treasurer is hereby directed to cause to be published a notice of the completion of said assessment roll and notice of said meeting, and to mail to each owner of the property herein assessed a copy of this resolution.

Section 7. That the assessment made by this resolution is subject to confirmation as provided by Article 10 of Chapter 160A, General Statutes of North Carolina.

Adopted: 1/17/84

ADJOURNMENT

There being no further business, the meeting adjourned at 4:30 p.m. to be reconvened at 7:00 p.m.

Gail G. Smith
City Clerk

jb/cc/SP7

The City Council of the City of Raleigh met in regular reconvene session on Tuesday, January 17, 1984 at 7:00 p.m. in the City Council Chambers of the Municipal Building with the following present:

Mayor Upchurch, Presiding
Ms. Babb
Ms. Block
Mr. Calloway
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and the following items were discussed with action taken as shown.

REQUESTS AND PETITIONS TO CITIZENS

ENCROACHMENT - 2502½ HILLSBOROUGH STREET - APPROVED CONDITIONALLY

John W. Hopkins, representing the Utilities Control, Inc., was at the meeting to request an encroachment agreement to allow the existing sign to remain on Hillsborough Street. Mr. Hopkins indicated he has insurance and would be glad to answer any questions the Council may have pointing out he had supplied information to the City about the request. City Manager Benton indicated that this would not be objectionable to Administration provided the necessary encroachment agreements are executed. He pointed out, however, Hillsborough Street is on the State system and Mr. Hopkins would have to get clearance from the State. He briefly explained that Mr. Hopkins should contact the District Engineering Office on Blue Ridge Road. Brief discussion took place with it being pointed out the sign is already existing and they just want to change the face plate. Mr. Walters moved approval of the request subject to the conditions outlined by the City Manager. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SANITARY SEWER EASEMENT - REQUEST FOR ABANDONMENT - METHOD AUTHORIZED

Jim Farthing, 2904 Lucerne Place, indicated he was at the meeting to request that the Council have an abandoned sanitary sewer easement deeded back as part of his property. He indicated this easement runs across the back or side of several lots in the neighborhood. City Manager Benton indicated this is an unused sanitary sewer easement on a residential lot. He stated there is no objection from Administration. However, he feels the City Attorney should suggest the procedure that should be utilized. City Attorney McCormick indicated the Council could declare the property surplus and allow administration to negotiate a price and then advertise for upset bids. Mr. Walters indicated the same easement runs across several properties and he would move that Mr. Farthing's request be approved and refer the matter to Administration to work out a price. His motion was seconded by Mr. Calloway and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ROAD RACE - RUN FOR THE ROSES '84 - APPROVED CONDITIONALLY

Jim Young, representing the North Carolina Road Runners Club, was at the meeting to request permission to close streets in the North Boulevard Center to conduct the Run for Roses '84, pointing out this is a foot race scheduled for February 19 at 3:00 p.m. He stated he has already coordinated this with the Raleigh Police Department indicating he would be glad to answer any questions. City Manager Benton indicated this race has been run several times before, however, the area is now in the City. He stated Administration has no objection as long as the club will be responsible for providing and installing all of the necessary traffic cones, barricades and warning signs. He indicated Administration feels that this can be handled with no off-duty police personnel involved. Mr. Congleton moved approval of utilization of City streets for the race with conditions as outlined by the Manager. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ANIMAL CONTROL ORDINANCE - SUGGESTED CHANGES - REFERRED TO LAW AND FINANCE COMMITTEE

Judy Cobb, 13 Yorkgate Drive, indicated she was at the meeting to ask the Council to get the ball rolling for what she hopes will be the final chapter of a 2½ year saga on animal control. She stated in spite of the continued efforts of the majority of Council Members on three Councils, the ordinance remains sabotaged. She read a list of problem areas, and ambiguities and contradictions in the ordinance and explained she gave Council a modified version to correct these areas and it was referred to a committee. A year later Police Attorney Dawn Bryant spent months researching a tighting of enforcement and it was pigeonholed in committee. She stated a few months after that Virginia Lindsey presented still another version of the scoop section which was referred to committee. In addition, last fall serveral Councilmen suggested looking at the County ordinance for what it may have to offer and instructed the same committee to get back within sixty days. Instead it was referred Administration without any instruction and to date no positive action has been taken. She stated the ordinance has been covered up, shoved aside, buried and referred twice, and re-referred to committee for two and a half years with the only excuse offered by the chairman of that committee being that it was too hot a political issue. She stated it can be a tough situation and pointed out it is a natural for cheap jokes and it is

an emotional issue. She stated Mr. Walters had the courage to bring it up and during the election found himself 'quoted out of context with those misquotes fueling his opponents campaign. She pointed out something should be done. She stated in order to save time tonight, she would give everyone a copy of the last correspondence and long line of communications on this topic which highlights the problem areas in the ordinance. She stated it is her hope that the Council will tonight refer this to a committee chairman who will diligently study the previously mentioned items, get opinions from Animal Control Officers and interested parties and return it to Council in sixty days with a recommendation. She stated if the Council approves the recommendations it should then be given to staff to work out the legal phrasing and return to Council for enactment. She stated with a vast majority of Raleigh's citizens being pet owners and/or property owners this is an issue that affects nearly everyone daily any the ordinance in its present state is unfair to pet owners and property owners alike. It is admittedly unenforceable. Ms. Cobb presented a couple of pages of questions and facts which she indicated needs to be clarified.

Mr. Walters moved that this matter be referred to Law and Finance Committee with the request that they report back in no more than 60 days. Without objection, the item was so referred.

EMPLOYEES HEALTH FAIR - REQUEST FOR PARKING RESERVATION - APPROVED CONDITIONALLY

John L. Cheney, Jr., Site Coordinator for the 1984 State Employees Health Fair, had requested to appear before the Council to discuss reservation of parking spaces near the Civic Center relative to the State Employees Health Fair. Mr. Cheney was not at the meeting. City Manager Benton indicated they are requesting permission to reserve some parking on the west side of Wilmington Street next to the Civic Center, between 8:00 a.m. and 5:00 p.m. on February 15 and 16 for handicapped parking and temporary bus parking. He indicated there are five fifteen-minute spaces with the remainder of these being two hour spaces. He indicated the City Council has the authority to allow this use at $2.00 per space per day briefly explaining the Code provision. He stated if this approval is granted by the Council then the coordinators of the event would have to pay the fees and Mr. Cheney had indicated they would be glad to pay these fees. Mr. Walters moved that Administration be authorized to rent the traffic cones as outlined by City Manager Benton for this purpose. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

KINGWOOD FOREST COMMUNITY ASSOCIATIONS - CONCERNS EXPRESSED; POLICE PATROLS TO BE INCREASED

Henry B. Pickett, Jr., representing the Kingwood Forest Community Association, indicated he was at the meeting tonight to discuss regulations regarding use of fire stations for civic meetings, better police protection and leaf removal service. He indicated their area has had 12 breakins since September and they would like to bring the people together so that they could help the police in better protecting the area. He stated he stopped at fire station about utilizing the fire station for a meeting and the Captain said he would have to talk with the Chief. He indicated the Captain said that the Chief had indicated there would be no meetings in the Fire Station. Therefore, Mr. Picket indicated he contacted the Chief and the Chief said that they could meet there as long as they had adequate notice. He explained the fire station is the only place they have for any civic group to meet. Therefore, his request is that the City Council allow to use the fire station for civic meetings. He stated, in addition, they would like more patrols by police through the neighborhood. He pointed out they are still having breakins in their area and the City continues to annex areas everyday when they can not provide service to the areas within the City. He indicated they pay taxes and desire the same protection as the others parts of the City receive. He stated the third item of concern is to ask the City to extend the leaf pickup so that they can have at least one leaf pickup per year in their neighborhood.

City Manager Benton indicated as far as the police protection question is concerned there have been a number of burglaries in this area and the City does have personnel assigned to the area and a number of arrests have been made. He stated as far as the use of the fire station is concerned that in the past they have had preceint meetings for various political parties and they would continue to allow that. He stated one of the problems we have with extensive use of fire stations for civic meetings is that the personnel at the fire station made have to go on a call and close the station. He stated he has some reservation about a significant amount of public meetings, but they would be willing to work with Mr. Pickett on a particular meeting or use of the fire station as long as it is not on a frequent basis with Mr. Pickett indicating they only wanted to meet about once a year. Lengthly discussion took place as to how Mr. Pickett would get utilization of the fire station for a meeting, the number of burglaries in this area and whether arrests have been made. Ms. Babb indicated she would like to refer these concerns to Law and Finance Committee so that they could be discussed. Mr. Calloway indicated if the burglaries are still going on, he feels that some action should be taken immediately. Ms. Block questioned why should it go to a committee pointing out the manager said they can meet at the fire station if they get in touch with the captain and get it cleared with the captain of the station. She stated she has received a great many complaints about the leaf collection and she understands that maybe next year we could have another leaf machine and tighten up on our procedure there. She indicated the third request related to police surveillance and maybe the Council could request additional surveillance in the area if needed. Ms. Babb indicated she has suggested that it go to committee and it seems Mr. Pickett was not entirely satisfied with having to talk to

the captain, with Mr. Pickett indicating he did not object going through the captain. He stated as far as the leaf pickup is concerned that he ended up putting his in the back yard before Christmas as he knew the City would not get around to picking them up. After brief discussion, Mr. Calloway moved that Administration be authorized to improve police surveillance in the Kingwood Forest area for the next couple of months if needed. His motion was seconded by Ms. Block and put to a vote which passed unanimously.

SECONDARY FIRE DISTRICT - PROBLEMS WITH BUILDING PERMITS AT NORTH BOYLAN/WEST NORTH STREET - REFERRED TO ADMINISTRATION

Barry W. Martin, 2330 Hillsborough Street, was at the meeting to discuss a problem he is having with the secondary fire district. He indicated until this came about he was unfamiliar with the City's secondary fire district. He indicated he is working on a project at the corner of North Boylan and West North Street and he and he when to the Permit Office he found that this was in the secondary fire district. Therefore, he had his plans redone and permits were issued. However, he was called back in and was told that the buildings did not meet the requirements of the Secondary Fire District. He indicated he was asking that the Council consider the possibility of changing the Secondary Fire District boundaries, pointing out he understands there has been some discussion before as to whether the line can or cannot be moved.

City Manager Benton indicated the City did not identify the site at the outset as being in the Secondary Fire District explaining the boundary lines. He indicated the City has a primary fire district which is basically downtown property and a secondary fire district. He indicated the City Administration has been taking a look at the boundaries and there is some reason and justification for relocation of these boundaries. He stated the secondary fire district does place a lot of financial implications on residential units and he would like an opportunity to take an indepth look at the secondary fire district and the City is in the process of doing that now. He stated it would be up to the City Council as to whether they wanted to make any interim modification relating to this particular problem; however, he would suggest that Administration be given an opportunity to continue their study and they would bring recommendations back to Council as it relates to the secondary fire district as a whole. Brief discussion took place and Mr. Walters moved that action on this request be held until Administration completes their work and hopefully report back at the next meeting. His motion was seconded by Mr. Congleton and passed unanimously. The Mayor ruled the motion adopted.

MEDIATION SERVICES OF WAKE COUNTY - REQUEST FOR FUNDS - REFERRED TO LAW AND FINANCE COMPANY

Stuart Berde, representing Mediation Services of Wake County, was at the meeting to request the Council to grant funds to help support their organization. He briefly explained the Mediation Service has been operating on a volunteer basis for some time and it acts as a dispute settlement center and diverts cases out of the courts and people work with trained mediators. He indicated Human Resources Director Don Harris is familiar with this program. His request is that the City of Raleigh appropriate $15,000 for this program. He indicated this is a three proned approach as they are requesting funds from the City, private sector and Wake County. He indicated they had been informed by the County that they would possibly allow them to have space and they are considering the request for funds. Discussion took place on the program, who it serves, who it helps, etc. with City Manager Benton indicating he did not have a recommendation. Mr. Congleton moved that the request for funds for Mediation Services be referred to Law and Finance Committee. Without objection, the item was referred.

ENCROACHMENT - 19 WEST HARGETT STREET/201 SOUTH SALISBURY STREET - APPROVED CONDITIONALLY

Owen Walker, of the Clark Art Shop, indicated the Est Est Est Trattoria is owned by Raleigh Restaurant, Inc.. He indicated it will have two entrances one at 19 West Hargett Street and the other at 201 South Salisbury Street. He pointed out they would like permission to encroach over the City sidewalk to install two canvas awnings within five feet over the right-of-way and provide eight feet of clearance over the sidewalk. He stated the canvas awnings would be of a flame retardant material installed over hinged galvanized pipe frame. He indicated Council Members and staff have received a rendering of the proposed awnings. City Manager Benton indicated the City staff has no objections provided the necessary and standard encroachment agreements are entered into and as long as all City ordinances for mounting materials, etc. and State Building Codes are followed. Mr. Calloway moved approval of the encroachment with the conditions outlined by the manager. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

UNFIT BUILDINGS AND DWELLING UNFIT FOR HUMAN HABITATION

UNFIT BUILDING - 907 EAST HARGETT STREET - REPEALER ORDINANCE ADOPTED

Housing Inspection Supervisor Bartholomew indicated Ordinance 1983-224 declared property at 907 East Hargett Street unfit. He indicated the property is now vacant and closed up, therefore, he would suggest that this ordinance be repealed. Ms. Block moved that Ordinance 1983-224 as it relates to 907 East Hargett Street be repealed. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-265

AN ORDINANCE REPEALING ORDINANCE NO. 1983-224 RELATING TO PROPERTY AT 907 EAST HARGETT STREET

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA THAT:

Section 1. That Ordinance No. 1983-224 is hereby repealed in its entirety inasmuch as the property which is the subject of that ordinance has either been repaired or demolished.

Section 2. That a certified copy of this ordinance be recorded in the office of the Wake County Register of Deeds.

Section 3. This ordinance shall become effective upon adoption.

Adopted: January 17, 1984

UNSAFE BUILDING - 514 EAST MARTIN STREET - EFFECTIVE DATE DELAYED - ORDINANCE ADOPTED

Housing Inspection Supervisor Bartholomew indicated Ordinance 1983-231 adopted on November 15, 1983 was declared property at 514 E. Martin Street unsafe. He indicated at that time the City Council wanted a report prior to the effective date of the ordinance. He indicated the property is scheduled to be acquired by Community Development and he was advised that the property should be acquired within the next 30 days. He stated, however, it is scheduled for placarding tomorrow and the owner is working with the Housing Authority to relocate. Brief discussion took place and Ms. Block moved that the effective date of Ordinance 1983-231 as it relates to this location be amended and the new effective be February 22, 1984. Her motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-266

AN ORDINANCE TO AMEND ORDINANCE 1983-231 AS IT RELATES TO 514 EAST MARTIN STREET

WHEREAS, on November 15, 1983, the City Council adopted Ordinance 1983-231 declaring property at 514 East Martin Street unfit.

WHEREAS, the effective date of that ordinance was January 18, 1984; and,

WHEREAS, work is in progress to bring the dwelling at 514 East Martin Street into compliance with the City Code, however, additional time is necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Ordinance No. 1983-231 as it relates to property at 514 East Martin Street be amended to the extent that the effective date of this ordinance as it relates to this property only be February 22, 1984.

Section 2. That no other portion of the said ordinance is affected by this amendment.

Adopted: January 17, 1984

Effective: January 17, 1984

MATTERS SCHEDULED FOR PUBLIC HEARING

PUBLIC NUISANCE COST CONFIRMATION - 621 CHURCH STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming costs in the amount of $150 for abating public nuisances at 621 Church Street in the name of Leonia Smith. The cost, if confirmed, will become a lien against the land. The Mayor opened the hearing. No one asked to be heard. Thus the hearing was closed. Mr. Walters moved adoption of a resolution confirming the charges as outlined. His motion as seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-439

A RESOLUTION ASCERTAINING AND COMPUTING THE TOTAL COST OF ABATING UNSAFE BUILDING NUISANCES IN THE CITY OF RALEIGH, CONFIRMING THE SAME AND ASSESSING THE COST OF ABATEMENT AGAINST THE PROPERTY ON WHICH THE NUISANCE EXISTED

WHEREAS, the City Council of the City of Raleigh, pursuant to Chapter 160-A of the North Carolina General Statutes, and Sections 2.14(33), 2.14(51), 2.14(46) and Sections 6.35 and 6.36 of the Charter of the City of Raleigh (Chapter 1184 of the 1949 Session Laws of North Carolina as amended) has the authority to prevent, abate and declare unlawful nuisances and to make the cost of said abatement a lien against the premises where the nuisances existed; and

WHEREAS, pursuant to said Statutes the City Council of the City of Raleigh has adopted Part 10, Chapter 6, Article D of the Code of the City of Raleigh, relating to the abatement of unsafe building nuisance; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That the unsafe building nuisances as set out herein have been abated at the cost set out herein, pursuant to the Code to the City of Raleigh and more specifically Part 10, Chapter 6, Article D.

Section 2. That the City Council of the City of Raleigh hereby confirms the cost of abatement of the nuisances set out herein, pursuant to General Statutes above referred to, and makes the same a lien against the premises as provided in Part 10, Chapter 6, Article D of the Code of the City of Raleigh.

PROPERTY OWNER	LOCATION	COST OF ABATEMENT
Leonia Smith	621 Church Street Lot 11, Block B-66 Map B-12 ID #0065150	$150.00

Adopted: January 17, 1984

UNFIT DWELLING - VARIOUS LOCATIONS - RESOLUTION ADOPTED - EFFECTIVE MARCH 21, 1984

This was a hearing to consider adoption of a ordinance declaring the following dwellings unfit and directing that they be placarded to prohibit their use and/or occupancy. The Mayor opened the hearing on each case:

1204 Boyer Street - Jeanette Perry, Florence Leach, and Judith Long - Property Owners.

Mr. Bartholomew indicated he had just received information that the owners have some problem relating to title of this problem. However, that has been cleared up and they are in the process of making a loan application and they hope to have the problem resolved soon. Brief discussion took place and Mr. Calloway moved adoption of an ordinance declaring the dwelling at 1204 Boyer Street unfit effective March 21, 1984. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor rules the motion adopted. See Ordinance 267.

1008 East Jones Street - W. A. Myatt, Property Owner.

W. A. Myatt, III, 1514 St. Mary Street, indicated this house was built in 1885 by his grandfather who developed many areas in this part of town. He stated the house has been in his charge since 1946 and it has been occupied most of the time. He stated it is his intent to fix the house up, pointing out he turned it over to someone to take charge of the repairs, but he had not had an opportunity to do the work. He asked the Council to give him approximately sixty days to give him an opportunity to get things taken care of and have repairs done. Mr. Keller moved adoption of an ordinance declaring unfit effective March 21, 1984. His motion was seconded by Ms. Babb and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 267.

818 East Davie Street - Mr. and Mrs. Harold Jeffries, Property Owner.

Housing Inspection Supervisor Bartholomew indicated Mrs. Jeffries has recently made an application for a loan and grant, pointing out that was submitted last Friday. He stated he felt that within time, the problems would be resolved. Mr. Calloway moved adoption of an ordinance declaring the dwelling unfit effective March 21, 1984. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-267

AN ORDINANCE FINDING THAT THE PROPERTY DESCRIBED HEREIN IS UNFIT FOR HUMAN HABITATION AND DIRECTING THAT A NOTICE BE PLACED THEREON THAT THE SAME MAY NOT BE OCCUPIED UNTIL REPAIRED OR DEMOLISHED AS DIRECTED BY THE INSPECTIONS SUPERINTENDENT.

WHEREAS, the City Council of the City of Raleigh finds that the property described herein is unfit for human habitation under the provisions of Part 7, Chapter 4, Article G of the Code of the City of Raleigh, North Carolina, entitled "Housing Code," and that all of the provisions of said Article have been complied with as a condition of the adoption of this Ordinance; and

WHEREAS, said house should not be occupied until repaired to meet the requirements of the Minimum Housing Standards Ordinance, or that the same should be demolished as directed by the Inspections Superintendent, and should be placarded by placing thereon a notice prohibiting use for human habitation:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to place a sign on the building at location listed herein containing the legend: THIS BUILDING IS UNFIT FOR HUMAN HABITATION; THE USE OR OCCUPANCY OF THIS BUILDING FOR HUMAN HABITATION IS PROHIBITED AND UNLAWFUL."

Property Owner	Location
Jeanette Perry, Florence Leach, and Judith Long	1204 Boyer Street
W. A. Myatt	1008 East Jones Street
Mr. and Mrs. Harold Jeffries	818 East Davie Street

Section 2. It shall be unlawful for any person to remove said placard from any building to which it is affixed. It shall likewise be unlawful for any person to occupy or to permit the occupancy of any said building for human habitation.

Section 3. That a copy of this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. This Ordinance shall become effective March 21, 1984.

Adopted: January 17, 1984

UNSAFE DWELLING - 330 EAST DAVIE STREET AND 1004 BUNCHE STREET - HEARING - ORDINANCE ADOPTED

This was a hearing to consider adoption of an ordinance declaring the following dwellings unsafe and directing that they be demolished. The Mayor opened the hearing on each case:

330 East Davie Street - Sadie J. Love, Property Owner. No one asked to be heard. Mr. Walters moved adoption of an ordinance declaring the dwelling unsafe. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

1004 Bunche Street - Mr. Lorenza A. and Mrs. Lorine Lynch, Property Owners. No one asked to be heard. Mr. Congleton moved adoption of an ordinance declaring the dwelling unsafe. His motion was seconded by Mr. Calloway and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. 1984-268

AN ORDINANCE FINDING THAT THE BUILDING ON PROPERTY AT 330 EAST DAVIE STREET AND 1004 BUNCHE STREET IN THE CITY OF RALEIGH IS UNSAFE AND DIRECTING THAT IT.BE DEMOLISHED

WHEREAS, the City Council of the City of Raleigh finds that the building on property described herein is unsafe under the provisions of Part 7, Chapter 4, Article D of the Code of the City of Raleigh, North Carolina and entitled "Unsafe Buildings," that all of the provisions of said article have been complied with as a condition of the adoption of this ordinance; and

WHEREAS, the Building on said premises should be demolished as directed by the Inspections Superintendent for the reason that the same is an unsafe building as described in Part 7, Chapter 4, Article D of the Code of the City of Raleigh.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the Inspections Superintendent of the City of Raleigh be and he is hereby authorized and directed to demolish the building in the City of Raleigh at the following location:

PROPERTY OWNER	LOCATION
Sadie J. Love	330 East Davie Street
Lorenza A. & Lorine Lynch	1004 Bunche Street

Section 2. That the cost of demolition of the building shall become a lien upon the land upon which the building was located as provided in Article IV of Chapter 7 of the Code of the City of Raleigh, North Carolina.

Section 3. That this ordinance shall be recorded in the Office of the Register of Deeds of Wake County.

Section 4. That this ordinance shall become effective January 17, 1984.

Adopted: January 17, 1984

STREET IMPROVEMENTS - DILLWYN DRIVE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution directing the installation of curbs, gutters, and drains, and paving on Dillwyn Drive from Peach Road Road to existing curb and gutter. The hearing is pursuant to petition, resolution of intent, notification, and advertisement as required by law. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a resolution directing the improvements as outlined. His motion was seconded by Ms. Babb and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-440

A RESOLUTION DIRECTING THAT STREET IMPROVEMENTS DESCRIBED HEREIN BE MADE AND THE COST THEREOF ASSESSED

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that street improvements be made and the costs thereof assessed against abutting property owners; and

WHEREAS, a preliminary resolution indicating the intent to undertake the project has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

> Installation of curbs, gutters, drains and paving twenty-seven feet back-to-back with one and one-half inch asphalt surface on a five-inch stone base on Dillwyn Drive from Peach Road to the existing curb and gutter.

Section 2. The proportion of the cost in making the aforesaid street improvements to be assessed upon an abutting property owner, to the extent that the same shall be assessable under the provisions of Resolution No. 280, as amended, shall be as follows: 100 percent of the total cost of said respective improvements which are assessable under Resolution No. 280 (i.e. one half of each street to be improved shall be assessed and charged against the lots and parcels of land abutting directly on the respective improvements, according to the extent of their respective frontage thereof by an equal rate per foot of such frontage exclusive of so much of the cost as is incurred at street intersections in improving street intersections; the remainder of the total cost including street intersections to be borne by the City of Raleigh.)

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina

Adopted: 1/17/84

SIDEWALK ASSESSMENT ROLL 195 - GLENWOOD AVENUE - HEARING - RESOLUTION ADOPTED

This was a hearing to consider adoption of a resolution confirming Sidewalk Assessment Roll 195 on Glenwood Avenue according to charges outlined in Resolution 1983-418, adopted on December 20, 1983. Chief Engineer Thomas explained the proposal. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of a resolution confirming charges as outlined. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-441

A RESOLUTION CONFIRMING SPECIAL SIDEWALK ASSESSMENT ROLL NO. 195

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That pursuant to notice of the completion of the assessment roll and notice of the meeting of the City Council hereinafter referred to, published according to law in The Raleigh Times, a newspaper legally qualified to publish legal advertising, and following a public hearing of allegations and objections of all interested persons appearing and making proof in relation thereto at a meeting of the City Council for that purpose held on the 17th day of January, 1984, at the time and place fixed in accordance with statute, the City Council of the City of Raleigh does hereby approve, ratify and confirm the assessments heretofore made by Resolution 1983-418 adopted on the 20th day of December, 1983, which assessments appear on "The City of Raleigh Special Sidewalk Assessment Roll No. 195," against the lots and parcels of land abutting directly on the improvements, according to the extent of their respective frontage thereon, all as shown on said assessment roll which is hereby incorporated into and made a part of this resolution by reference thereto, the assessment roll being on file in the office of the City Clerk and Treasurer.

Section 2. That from the time of the adoption of this resolution confirming the said assessments, the assessments embraced in the aforesaid assessment roll shall be a lien on the real estate against which the same are assessed as provided by Statute.

Section 3. That the terms and manner of the payment of the assessments herein provided for shall be as follows: That said assessment shall be payable in cash, or if any property owner should so elect and give notice of the fact in writing to the City of Raleigh in accordance with provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6% per annum from the date of confirmation of the assessment rolls payable annually upon the unpaid balance of the assessment.

Section 4. That the assessments confirmed by this resolution and all payments of principal and interest thereof, shall be recorded in "The City of Raleigh Special Assessment Book" which shall be maintained and kept by the City Revenue Collector, who is hereby charged with the duty of collecting and accounting for all sums of principal and interest assessed by this resolution.

Adopted: 1/17/84

PU 1983-17 - NORTH RIDGE AREA - RESOLUTION ADOPTED

This was a hearing to consider the installation of an 8-inch sewer main within an easement from existing main in North Ridge Villas, northward approximately 450 feet, with assessment on the per lot basis to apply. Public Utilities Director Butler explained the proposal. The hearing was opened to the public. Harold Richardson, 1526 Spring Forest Road, indicated he did not request the sewer but had questions relative to the assessment fee. He indicated if the North Ridge Villas project had hooked to the sewer the way they should have that this would not be necessary now. Public Utilities Director Butler indicated Mr. Richardson had contacted our Assessment Supervisor a few weeks ago and the Assessment Supervisor had answered his questions in writing. He briefly explained how the assessment would occur. No one else asked to be hear, thus the hearing was closed. Ms. Babb moved adoption of a resolution directing PU 1983-17 as advertised. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. 1984-442

A RESOLUTION TO DIRECT THAT THE SEWER SYSTEM OF THE CITY OF RALEIGH BE EXTENDED AND TO ASSESS COST AGAINST LAND ASSESSABLE THEREFOR

WHEREAS, by virtue of Article 10 of Chapter 160A of the General Statutes of North Carolina, as amended, the City Council of the City of Raleigh is authorized to direct that improvements be made and the cost thereof assessed against abutting property assessable therefor; and

WHEREAS, a preliminary resolution has been adopted by the City Council and a public hearing thereon duly held;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following improvements be made and the costs thereof assessed against the abutting property pursuant to Article 10 of Chapter 160A of the General Statutes of North Carolina:

PU 1983-17 - Installation of approximately 450 feet of 8-inch sanitary sewer main within an easement from the existing main in North Ridge Villas, northeastward to Lots 119 and 175, Tax Map 353 with assessment on per lot basis to apply.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessment will be made according to the following method: See above.

Section 3. That property abutting on the street to be improved shall be connected with water mains, sewer mains and gas mains (if gas mains are available) located in the street adjacent to their several premises in a manner as prescribed in the Plumbing Code of the City of Raleigh and the cost thereof shall be specially assessed if the particular lot or parcel of land for and in connection with which said connections are made, as provided by Article 10 of Chapter 160A of the General Statutes of North Carolina.

Adopted: 1/17/84

PU 1983-18 - SUNNYBROOK ROAD AREA - HEARING - PROJECT DROPPED

This was a hearing to consider the installation of an 8-inch sewer main within Sunnybrook Road beginning at the southern boundary of Grace Baptist Church, southward approximately 750 with assessments on the front footage method to apply. Mayor Upchurch indicated as he understands it the property owner who had made the request has withdrawn the request. He asked if there was anyone at the hearing who was present for the hearing. He indicated since the original request has been withdrawn; therefore, it would be appropriate if the project were dropped at this point. Without objection, this was agreed to.

STREET CLOSING - WEST LANE STREET - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of West Lane Street between North Harrington Street and North West Street. The hearing is pursuant to petition, Resolution of Intent, notification and advertisement as required by law. The proposal was briefly explained. The Mayor opened the hearing to the public.

Henry Manning, 1013 Tyrell Road, indicated this is a request for closing of a small section of West Lane Street pointing out this street has never been opened. He indicated his client owns property on all three sides of the street. Planning Director Chapman indicated Administration has no problem with the closing provided that the water and sewer lines presently located in the right-of-way be abandoned and that Parcels 4 and 6 be recombined into one lot. No one else asked to be heard, thus the hearing was closed. Ms. Babb moved adoption of a resolution closing the street as advertised with the conditions as outlined by the Planning Director. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 443

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF WEST LANE STREET RIGHT-OF-WAY AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of West Lane Street right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of West Lane Street be closed permanently as follows:

A portion of West Street, located between North Harrington Street and North West Street

Conditions: That the water and sewer lines, presently located in the right-of-way be abandoned, and that Parcels 4 and 6 be recombined into one lot.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 1/17/84

Effective: Upon completion of conditions.

STREET CLOSING - PORTION OF OLD LASSITER MILL ROAD - HEARING - RESOLUTION ADOPTED

This was a hearing to consider the permanent closing of a portion of Old Lassiter Mill Road. The hearing is pursuant to petition, Resolution of Intent, notification and advertisement as required by law. Planning Director Chapman explained the proposal indicating City staff has no objection subject to the retention of the 20 foot easement located over the existing utility line. The Mayor opened the hearing to the public.

Ken Martin indicated he is the architect working on the project pointing out all effective property owners are in favor of this closing. No one else asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of a resolution closing the street as advertised and with the conditions outlined by the Planning Director. Her motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 444

A RESOLUTION ORDERING THE CLOSING OF A PORTION OF OLD LASSITER MILL ROAD AS DESCRIBED HEREIN

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of a portion of Old Lassiter Mill Road right-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, from facts and information, it appears to the satisfaction of the City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT

Section 1. The above described portion of Old Lassiter Mill Road be closed permanently as follows:

> Beginning at a point 718.08 feet from the intersection of the western right-of-way of Lassiter Mill Road and the northern right-of-way of Old Lassiter Mill Road as shown on a map of Lassiter Mill Property recorded in Map Book 1984, Page 312, Wake County Registry; thence N 66° 45' 19" W 21.77 feet to a point; thence in a counterclockwise direction along a curve having a radius of 45 feet a distance of 86.46 feet to a point in the right-of-way of Old Lassiter Mill Road; thence along said right-of-way N 19° 10' 42" E 56.67 feet; thence N 22° 32' 35" E 211.97 feet to a point; thence N 28° 32' 35" E 3.64 feet to a point; thence S 60° 59' E 60 feet a point in the right-of-way of Old Lassiter Mill Road; thence along the right-of-way S 22° 32' 35" W 207.06 feet to a point; thence S 19° 10' 42" W 56.92 feet to a point; thence S 3° 16' 38" W 25.05 feet to a point; thence S 9° 58' 55" E 24.94 feet to the point of beginning, and containing an area of .12 acres.
>
> SAVE AND EXCEPT a twenty-foot (20-foot) water line easement to be situated as indicated on that map recorded in Map Book 1984, Page 312, Wake County Registry, which Grantor reserves unto itself, its successors and assigns.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 1/17/84

WATER ASSESSMENT ROLL 967 - NEWTON ROAD - HEARING TO CONSIDER CORRECTION - CORRECTION ADOPTED

This was a hearing to consider correcting Water Assessment Roll 967 on Newton Road in order to reapportion the assessment against lot #1 as the property has been divided into two parcels and the property owner requests that the assessment be reapportioned. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of the correcting resolution as outlined. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) 445

A RESOLUTION TO CORRECT WATER ASSESSMENT ON NEWTON ROAD

WHEREAS, by Resolution No. 1981-590 adopted 6-2-81 effective 6-30-81, the City Council confirmed Assessment Roll No. 967 as set forth in Resolution No. 1981-554 and assessed property as follows:

OWNER	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	ASSESSMENT
American Retirement Corp. (Now, Fortis Corp.)	1	0103704	1,981.32	$13,314.47

AND WHEREAS, the assessment charged against the property should be amended because the property has been divided into two parcels and the property owner requests the assessment be reapportioned against each parcel.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the assessment charged against the property listed above be corrected as follows, pursuant to authority contained in GS 160A-228.

OWNER	LOT NO.	PROPERTY I.D. NO.	FRONTAGE	ASSESSMENT
Fortis Corp.	1	0103704	1,103.45	$7,415.18
US Shelter Corp.	1A	0124545	877.87	$5,899.29

Section 2. That the Revenue Collector is authorized and directed to correct the assessment records. Interest shall be computed at 6% on the unpaid balance from the date of original confirmation or from the last payment, whichever was last.
Adopted: 1/17/84

COMMUNITY DEVELOPMENT - HEARING TO CONSIDER CITIZEN'S INPUT - HELD

This was a hearing to consider the proposed Community Development application to receive citizens input in next year's Community Development program which begins July 1, 1984. Community Development Director Wray indicated we anticipate receiving in the neighborhood of $1,747,000 for eligible activities in our next year's program. He explained the five redevelopment areas and the conservation areas and eligible activities. He indicated the purpose of the hearing tonight is to get citizen's input on how these monies should be used next year.

John Chenault, 4723 Connell Drive, was at the meeting representing Meals on Wheels. He gave a history of their program pointing out they presently deliver to 30 people in the CD area and have been getting $12,000 from the Community Development program. He indicated they also get $12,500 from revenue sharing and this money is utilized to deliver meals to people within the City Limits of the City of Raleigh. He stated they currently deliver 187 meals and 28 bag suppers and involve some 800 hours of volunteers Monday through Friday for 52 weeks. He stated they do have a short fall and are requesting the $12,000 from Community Development and $12,500 from revenue sharing and would also request an additional $8,500 either from revenue sharing or Community Development.

Mary Jo Littlewood, representing Homemaker Home Help Aid, indicated they have been receiving funds since 1975. She stated they currently get $24,480 from Community Development and briefly explained their program, pointing out they are presently serving 25 people in the Community Development area and pointing out they are able to keep these people in their homes for a little less than $1,000 per person per year. She stated they are grateful for whatever they get and have been getting in the past, but she would ask Council to consider increasing their allocation to $30,000.

A representative of the East Central Community Legal Services indicated they have been getting money from revenue sharing and Community Development. He stated they have been getting funding from the City of Raleigh since 1975 and three years ago their Federal funds were cut back and they have been having to turn away a number of individuals. He indicated they have supplemented this by getting over 200 lawyers in the community to volunteer to service two cases per year. He stated last year they got $10,000 from revenue sharing and $10,000 from the Emergency Job Fill. Therefore, they are asking for the same appropriation from Community Development this year that will allow them to hold their own.

Margaret Rose Murray, representing Method Civic League, gave a history of the work in their community and work they have been doing to revitalize their community. She indicated they would request some $450,000 to be utilized to help revitalize housing and keep landscaping of the area up, expand their community FEST, build single-family homes on land they have purchased from the City, cultural and skill programs for improving Youth Program and to put the things back into the Method Park that the citizens wanted such as an indoor pool, tennis court, picnic shelters, track, etc.

No one else asked to be heard, thus the hearing was closed with Administration making note of the comments.

BUDGET FY 84-85 - PRELIMINARY HEARING - COMMENTS RECEIVED

Mayor Upchurch indicated since the hearing addresses both the budget in general and the revenue sharing, he would encourage people to make it clear if their presentation specifically addresses the use of revenue sharing funds. He stated it is the intent of this hearing to provide an opportunity for comment before the budget is prepared, pointing out this is an opportunity to address service needs at an early stage of the budget process while there is sufficient time for full consideration by the City Council and the City Manager. Comments on services which need to be expanded or reduced will be most helpful. He stated in the next few weeks revenue estimates and expenditure proposals will be prepared by the City Manager and his staff. Since the City Manager is legally responsible for preparing a proposed budget for Council consideration, Mayor Upchurch encouraged him to participate fully in the hearing. Assistant City Manager Yates explained the budget process, how revenues and expenditures have been utilized in the past. The Mayor opened the hearing to the public.

Jerry Taub, representing RCAC, presented a prepared statement pointing out this is the second year of pre-budget hearing in which the RCAC addressed the main issue that a general overview of the budget reveals - a lack of internal monitoring system based on program result. He stated the budget should be able to show results and objective terms. He indicated since the Mayor, City Manager, and a good portion of the City Council is new, they would submit their statement from last year requesting a program evaluation system. He explained the City responded to the request but failed to address it positively pointing out the essence of that system is that the budget be self-checking. He pointed out the annual budget is such a cumbersome set of documents that one who was untrained in accounting cannot assess the efficiency of the expenditures or in most cases even where they are being made. He stated RCAC's request outlines the goals of such a system and a reasonable method of implementing it into the regular framework of budget formulation. He stated their position and suggestions remain unchanged. He explained the description of the operation program is the portion of the budget where this type of analysis should occur pointing out as close as the budget currently comes to scrutinizing itself is in the section Budget Year Objective, pointing out the pet response in that part of the budget format for

more than half of the City's programs is "to continue operations as previous described." He questioned how can a program justify a request for a 40% increase in staff with an annual objective as static as that. He indicated last May the City Manager's response to their request was that nothing could be done about it now since it would take more people to figure out how to make it work. Efficiency does not take any magic formula and least of all more staff or a new computer program. He requested that we let our existing municipal employees tell us how to measure their efficiency and include those measures in their annual budget pointing out few people know their job better than themselves. He stated once measurable performance factors are included in a program's objective, then the citizens of Raleigh and the City Council can evaluate effectiveness and realistically asset citizens' willingness to pay.

Joan Baron, President of League of Women Voters, indicated they believe there should be an adequate supply of housing for the low and moderate income families in our community, pointing out there are over 6,000 households on the waiting list for conventional public housing and Section 8 rental units. She stated the role of Federal government in providing housing assistance has diminished over the past several years and there have been no allocations for new public housing units or Section 8 rental units for the past two years. She stated the Housing and Community Development Authorization Bill pasted by Congress late in 1983 provided only small sums for new and rehabilitated multi-family housing. She stated over the past year Raleigh has made efforts to address housing issues and encourage public and private cooperation of seeking solutions. The Private Sector Housing Committee report and Affordable Housing Workshop were excellent beginnings. The League of Women voters begin that Raleigh's FY 84-85 budget should include the maximum funding possible to meet housing needs pointing out in this way Raleigh City Council can built on the community efforts already underway and develop a budget that will give housing for low and moderate income persons and families the high priority it warrants.

Howard Miller, representing RCAC, supported the League of Women Voters comments relative to housing. He stated they continue their interest in housing and efforts to do what is necessary to see that all citizens of Raleigh have decent housing. He pointed out they do support the League in their recommendations that the City provide financial as well as other assistance for housing and that such concerns be expressed in the budget. He stated they are particularly concerned that efforts for better housing be directed to southeast Raleigh, an area that has long been neglected, the development of housing for downtown Raleigh and generally looking to housing needs of low and middle income citizens.

Judy Letsinger indicated based on the experience of the last two years, they see a pressing need for a position in the Planning Department that would provide technical assistance to the citizens through the CACs in preparing and bringing before the Council, those things in a local community that need the Council's attention. She stated as an example the City has assigned zoning classifications to neighborhoods that are developed at different densities and time has shown that the existing classification should be corrected by the City. At the present time, the staff responsibility cannot be carried out because there is not enough staff to handle the technical preparation for those needed revisions. She stated by default this responsibility has fallen on the shoulders of the citizens who do not have the expertise to prepare the technical information for Council review. Therefore, those concerns go unattended or the Council is called upon to deal with them in a crisis situation. She stated this is not a good way to handle the public's interest and she believes that much of the time, energy and effort that is drained by the crisis could be redirected in a positive way if technical assistance were available. She stated such assistance would make it possible to deal with situations with more light and less heat and they believe that all would find this a big step forward. Therefore, she urged that within the Planning Department a position be established that has the primary function to serve as a technical resource person to the citizens. This person should be one who is technically knowledgeable and astute about the City's zoning ordinance and one who is sensitive to the value of informed citizenary.

Melvin Whitley, 700 Coleman Street, indicated he was chairman of Precinct 26 and representing the Raleigh Wake Association. He spoke about human costs and pointed out a lot of discussion has been carried on about the homeless. He stated he would like to talk the homeless poor and that people are living in substandard houses. He stated 72% of District C is rental property and something needs to be done to help this situation. He stated that that community has become a bedroom community as people have to leave the community for work, recreation, shopping, etc. He indicated the Council should look at ways to improve the visual aspects of that area such as street cleaning, improving dirt streets, etc. He called on the Council to put a sunset law on Shopping Center zoning. He further called on the Council to look at tax priorities pointing out the people of southeast Raleigh pay the same taxes but do not receive the same service. He called on the Council to upgrade the affirmative action plan by putting qualified minority employees in a responsible position of each department of the City government pointing out the paralegal category has no minorities. He stated another thing the Council should work toward is having the Wake Tech satellite campus within the City. He stated Walnut Creek dredging should be a priority. He stated they are asking for little for themselves, but a great deal in view of a better Raleigh and called on the Council not to react but to act.

John Winters, 8001 Caddy Road, spoke in support of Gethsemane Rainbow Partnership, Inc. He explained the work of this organization and the success. He stated they have an annual budget of $72,230 and they are requesting that they be included in the Community Development budget for $40,000 pointing out they understand HUD regulations allows more monies to be spent on social services type program this year that in the

past. He presented an annual budget of the Gethsemane Rainbow. One of the ladies on the Board of Directors of Gethsemane Rainbow also spoke in support of their program explaining the program and their needs. Mac Hulslander spoke in support of Gethsemane Rainbow pointing out where they received their support which includes State, non-profit organizations, business community, and the City's contribution would make it a five prone effort to make program successful.

Dr. Anne McGee, representing Wake County Council on Aging, presented brochures and explained that her agency serves 12,484 older people in one or more programs. She explained they are a multi-purpose organization and they have delivered 192,650 units of services in the past year. She explained support of their organization and pointed out last year they received $25,000 from the City of Raleigh and this year they would be requesting $35,000 from the City which is just under 2% of the total budget.

A representative of the Urban Ministry Center spoke in support of their project and presented an annual operating budget for 1983. It was explained that they are presently anticipating opening an emergency shelter which would increase their budget by some $30,000. It was pointed out they plan to spent some $80,000 in opening the shelter and they would request the City of Raleigh to contribute $10,000 to this program.

Dennis Gabriel called on the Council to be innovative with its fund and rely on the private sector for leveraging of funds. He suggested such ideas as putting together a church based housing authority, leveraging of funds to provide the housing and other things needed in the City.

John Stokes, representing the North Central Committee CAC, presented a prepared statement on the work and program at Tarboro Road Center and called for adding one large room with bath facilities that could be an all-purpose room to be used as an gym equipped for physical education and other needs of the facility and a basketball court. He indicated they have been advised that the building architecturally is so designed that adding to it would deface the original structure, but many non-architects feel that adding another room could improve the structure in many ways.

C.D. Authur, Joseph Winters, Sr. and George C. Debnam were at the meeting representing Esty Hall. They gave a history of the funding of Esty Hall pointing out they are not at the make or break point in their restoration and recycling of Esty Hall as a community center for south Raleigh. He stated they need to complete the external restoration and get inside the building and install the utility core, heat, lights, and water and an elevator. Once those things are done, the building can be occupied and the rest of the internal work can be financed and done in the fullness of time. It was pointed out they have $80,000 on hand in the bank and they are requesting $300,00 per year over the next two years, which would make a total of $600,00. Esty Hall would then raise the remainder from private contributions and foundations.

James Giles, 2120 Sanderford Road, explained property at the intersection of Sanderford Road and Rock Quarry Road and the request to rezone this property and the reason that request for rezoning was denied in opposition from the community. He suggested the possibility of the City purchasing this triangle of land as a greenway or buffer for recreation, bikeways, joggers, etc. He indicated the parcel he is talking about was covered by rezoning application Z-83-81 and is known as Parcel 127, Tax Map 607.

No one else asked to be heard, thus the hearing was closed and comments referred to Administration.

JOINT HEARING WITH THE PLANNING COMMISSION

The City Council went into a joint hearing with the Planning Commission to hear various text changes and requests for rezoning. The minutes of that meeting will be covered in a separate set of minutes.

Gail G. Smith
City Clerk

jb/cc/SP7